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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15701-15750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 14, 1929]

**15701. Adulteration and misbranding of olive oil. U. S. v. 11 Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22651. I. S. Nos. 21045-x to 21048-x, incl. S. No. 690.)

On March 21, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 24 gallon cans, 9 half-gallon cans and 25 quart cans of olive oil, remaining in the original unbroken packages at Springfield, Mass., consigned about August 8, 1927, alleging that the article had been shipped by the United Importers, Inc., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading and deceived and misled the purchaser: (11 cans gallon size) "Pure Olive Oil \* \* \* This Olive Oil is guaranteed to be absolutely pure \* \* \* Lucca, Italy Contents 1 Gallon;" (13 cans gallon size) "Virgin Pure Olive Oil Lucca, Italy \* \* \* Pure Olive Oil Virgin Oil is made from the best obtainable by ripe olives \* \* \* Net Contents 1 gallon;" (half gallon size) "Pure Olive Oil Extra Fine Quality Italian Product Lucca, Italy This Olive Oil is guaranteed to be absolutely pure \* \* \*;" (quart size) same as half-gallon size, except "Contents One Quart."

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and purported to be a foreign product when it was not so, and for the further reason that it was falsely branded as to the country in which it was produced. Misbranding was alleged with respect to all lots except the half-gallon cans for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15702. Misbranding of cottonseed cake. U. S. v. 520 Sacks of Cottonseed Cake. Product adjudged misbranded and released under bond to be relabeled.** (F. & D. No. 22284. I. S. No. 23326-x. S. No. 334.)

On December 16, 1927, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 520 sacks of cottonseed cake, at Ringling, Okla., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Texas, on or about December 3, 1927, and transported from the State of Texas into the State of Oklahoma, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "\* \* \* 43 per cent protein cracked Cottonseed Cake \* \* \* Manufactured by Traders Oil Mill Co., Fort Worth, Texas, Guaranteed Analysis, Crude Protein, not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "43 per cent protein," and "Crude Protein not less than 43 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On April 26, 1928, the product having been delivered to the claimant, the Traders Oil Mill Co., Fort Worth, Texas, under a bond in the sum of \$2,500, to be relabeled, and the said product having been relabeled to show the presence of 41 per cent of protein and to eliminate the words "43% protein," a decree was entered adjudging the product misbranded and ordering release of the said bond.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15703. Misbranding of olive oil. U. S. v. Nick Chulos, George Chulos, and George Koutsopanagos (Atlas Grocery Co.). Plea of guilty. Fine, \$100. (F. & D. No. 21567. I. S. Nos. 9390-x, 12329-x.)**

On April 13, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nick Chulos, George Chulos, and George Koutsopanagos, trading as the Atlas Grocery Co., Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 19, 1926, from the State of Illinois into the State of Indiana, and on or about June 12, 1926, from the State of Illinois into the State of Iowa, of quantities of olive oil, which was misbranded. The article was labeled in part: "Net Contents One Quart (or 'Net Contents One Pint') Atlas Brand \* \* \* Pure Olive Oil \* \* \* Atlas Grocery Co., Chicago, Ill."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Net Contents One Quart," and "Net Contents One Pint," borne on the respective sized cans containing the article, were false and misleading in that the said statements represented that the cans each contained 1 quart or 1 pint, as the case might be, of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 quart or 1 pint, as the case might be, of olive oil, whereas the cans contained less of the article than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1927, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15704. Adulteration of butter. U. S. v. 10 Cubes, et al, of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22690, 22714. I. S. Nos. 17488-x, 17492-x. S. Nos. 691, 701.)**

On or about March 12 and March 15, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Junction City Creamery, Junction City, Ore., in part March 7, and in part March 9, 1928, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 19, 1928, the Junction City Creamery, Junction City, Ore., claimant, having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered,



and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$450, conditioned in part that it be reconditioned so as to conform with the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15705. Misbranding of cottonseed meal. U. S. v. 120 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22322. I. S. No. 8607-x. S. No. 369.)**

On December 22, 1927, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 bags of cottonseed meal, remaining in the original unbroken packages at Waterboro, Me., consigned about October 4, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Maine, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the statement, "Choice Prime Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," was false and misleading and deceived and misled purchasers.

On February 1, 1928, the Humphreys-Godwin Co., Memphis, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15706. Misbranding of cottonseed meal and cake. U. S. v. John F. Smith, Nathan B. Higbie, and William B. Traynor (Brownwood Cotton Oil Mill). Pleas of guilty. Fine, \$600. (F. & D. No. 22532. I. S. Nos. 15103-x, 15104-x, 15138-x, 15139-x, 15141-x, 15188-x, 15231-x, 15232-x.)**

On February 20, 1928, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Smith, Nathan B. Higbie, and William B. Traynor, trading as the Brownwood Cotton Oil Mill, Brownwood, Texas, alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, between the dates of November 26, 1926, and December 15, 1926, from the State of Texas into the States of Montana, New Mexico, and Colorado, respectively, of quantities of cottonseed meal and cake, which were misbranded. The articles were labeled, variously: (Tags) "Prime Cotton Seed Cake and Meal \* \* \* Guaranteed Analysis Protein, not less than 43% \* \* \*;" " \* \* \* 43% Protein Cottonseed Cake (or "Meal") Prime Quality Manufactured by Brownwood Cotton Oil Mill Brownwood, Texas Guaranteed Analysis: Protein not less than 43.00 per cent \* \* \*;" " \* \* \* 43% Protein Cotton Seed Meal Prime Quality Manufactured by Coleman Cotton Oil Mill Coleman, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per cent \* \* \*."

It was alleged in the information that the articles were misbranded in that the statements, to wit, "Guaranteed Analysis Protein, not less than 43%," "43% Protein Cottonseed Cake," or "43% Protein Cottonseed Meal," "Guaranteed Analysis: Protein not less than 43.00 per cent," or "Guaranteed Analysis: Crude Protein not less than 43 per cent," as the case might be, borne on the tags attached to the sacks containing the articles, were false and misleading in that the said statements represented that the articles contained 43 per cent of protein, or 43 per cent of crude protein, and that portions of the said articles were 43 per cent protein cottonseed cake or meal, and for the further reason that they were labeled as foresaid so as to deceive and mislead the purchaser into the belief that they contained 43 per cent of protein, or 43 per cent of crude protein, and that the said portions were 43 per cent protein cottonseed cake or meal, whereas they contained less than 43 per cent of protein or crude protein, and said portions were not 43 per cent protein cottonseed cake or meal.

On April 23, 1928, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$600.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15707. Adulteration of butter. U. S. v. 22 Cubes, et al, of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22664, 22688, 22713. I. S. Nos. 17487-x, 17489-x, 17494-x. S. Nos. 681, 699, 702.)

On or about March 7, March 14, and March 16, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 63 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mutual Creamery Co., in part from Ogden, Utah, and in part from Grand Junction, Colo., in various consignments, on or about February 25, February 29, and March 7, 1928, respectively, and transported from the State of Utah into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 17 and March 22, 1928, respectively, the Mutual Creamery Co., Ogden, Utah, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,500, conditioned in part that it be repacked to conform with the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15708. Adulteration and misbranding of butter. U. S. v. 2 60-Pound Cases, et al, of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22715. I. S. Nos. 17493-x, 17495-x, 17496-x, 17497-x. S. No. 717.)

On March 20, and March 21, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 cases, 60 pounds each, and 7 cases, 30 pounds each, of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been delivered by the Bradner Co., Seattle, Wash., for shipment in interstate commerce into the Territory of Alaska, and was held at Seattle, Wash., on or about March 19, 1928, and charging misbranding with respect to a portion of the article, and adulteration and misbranding with respect to the remainder in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Bradner's Jersey Creamery Butter, Manufactured by The Bradner Company, Seattle, Washington, Contents 1 Lb. Net Weight \* \* \* ;" (inside wrapper) " \* \* \* Net Weight 4 Ozs. \* \* \* ."

It was alleged in the libels that the article was misbranded in that it was labeled in part, "1 Lb. Net Weight." and "Net Weight 4 Ozs.," which statements were false and misleading since the package contained less than that quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

Adulteration was alleged with respect to a portion of the article for the reason that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 21 and March 22, 1928, respectively, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$600, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be repacked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15709. Adulteration and misbranding of herring roe. U. S. v. 100 Cases of Herring Roe. Product ordered released to be relabeled.** (F. & D. No. 20690. I. S. No. 6597-x. S. No. E-5600.)

On December 8, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and



condemnation of 100 cases of herring roe, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by A. J. Lewis, from Walnut Point, Va., on or about May 29, 1925, and transported from the State of Virginia into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Robin Hood Brand Herring Roe Contents 10 Oz.—283 Grams R. C. Williams & Co., Inc., Distributors, New York."

It was alleged in the libel that the article was adulterated in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Contents 10 Oz.—283 Grams," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 6, 1928, the R. C. Williams Georgia Corporation having appeared as claimant for the property, and the product having been released to the said claimant and properly relabeled in compliance with the Federal food and drugs act, it was ordered by the court that the case be closed upon payment of costs by the claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15710. Adulteration and misbranding of butter. U. S. v. 39 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22734. I. S. No. 23594-x. S. No. 770.)**

On April 16, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 39 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Rice Lake Creamery, Cokato, Minn., alleging that the article had been shipped from Cokato, Minn., on or about April 12, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On April 30, 1928, the Rice Lake Creamery, Cokato, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15711. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21702. I. S. No. 10852-x. S. No. W-2105.)**

On March 3, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., September 28, 1926, and transported from the State of South Carolina into the State of California, and charging adulteration and misbranding, in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Maid-Rite Brand Selected Oysters Net Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to

reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Net Contents 5 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1927, Kockos Bros., Inc., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15712. Adulteration of chestnuts. U. S. v. 20 Bags, et al, of Chestnuts. Consent decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22305 to 22311, incl. I. S. Nos. 14898-x, 14899-x, 14900-x, 20726-x, 20727-x, 20728-x, 20729-x. S. No. 346.)

On December 20, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 84 bags of chestnuts, at San Juan, P. R., alleging that the article had been shipped by Thomas Pipitone, Inc., New York, N. Y., on or about December 1, 1927, to Porto Rico, and was being offered for sale and sold by various consignees, namely, Luina Hnos. Sucs, Manual Quintana & Hno., Sucs. de F. Font y Hno., Sucs. de A. Suarez & Co., Casanovas & Company, Sucs. de Jose Fernandez, and Fuertes y. Rodriguez, all of San Juan, P. R., and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 28, 1927, Thomas Pipitone, Inc., New York, N. Y., and Luina Hnos., Sucs., Manual Quintana & Hno., Sucs. de F. Font y Hno., Sucs. de A. Suarez & Co., Casanovas & Co., Sucs. de Jose Fernandez, and Fuertes y Rodriguez, all of San Juan, P. R., having appeared as claimants and owners of respective lots of the product, and said claimants having confessed the said libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15713. Adulteration of fig bars. U. S. v. 3 Boxes of Fig Bars. Default decree of destruction entered.** (F. & D. No. 22314. I. S. No. 13090-x. S. No. 359.)

On December 21, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes of fig bars, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Andrews-Wilmans Biscuit Co., from San Francisco, Calif., on or about December 2, 1927, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that each of the said fig bars showed the presence of worms, and in that the said article consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On February 4, 1928, no claimant having appeared for the property, a decree was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15714. Adulteration of canned sardines. U. S. v. 8 Cases of Casco Brand American Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22422. I. S. No. 21038-x. S. No. 520.)

On February 6, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of Casco Brand American Sardines, remaining in the original un-



broken packages at Providence, R. I., alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 2, 1927, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines \* \* \* The Brawn Company, Portland, Maine & Plymouth, Mass. \* \* \*."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15715. Adulteration of tomato puree. U. S. v. 650 Cases of Tomato Puree. Default decree of forfeiture and destruction. (F. & D. No. 21972. I. S. No. 16397-x. S. No. E-6067.)**

On July 11, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 650 cases of tomato puree, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Farmers Canning Co., Dunreith, Ind., May 23, 1927, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 2, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15716. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 22538. I. S. Nos. 17028-x, 17029-x, 17113-x, 17118-x.)**

On December 6, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about April 9, April 15, and August 16, 1927, respectively, from the State of Utah into the State of Nevada, of quantities of butter, which was misbranded, and a portion of which was also adulterated. The article was labeled in part: (Packages) "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Company Salt Lake and Ogden \* \* \* 1 Pound Net" or "Gold Nugget Pasteurized Butter One Pound Net \* \* \* Manufactured by Nelson-Ricks Creamery Company, Salt Lake and Ogden."

It was alleged in the information that the article was misbranded in that the statement, "1 Pound Net," or "One Pound Net," as the case might be, borne on the labels, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter, whereas they did not, but each of a number of said packages contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated on each of a number of said packages represented more than the actual contents thereof.

Adulteration was alleged with respect to the "Gold Nugget" butter for the reason that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the Act of Congress of March 4, 1923.

Misbranding of the said "Gold Nugget" butter was alleged for the reason that the statement, "Butter," borne on the label, was false and misleading in that it represented the article to be butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as required by law, and for the



further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as required by law, whereas it was not butter as defined and required by law, but was a product deficient in milk fat in that it contained less than 80 per cent by weight of milk fat.

On February 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15717. Misbranding of cottonseed meal. U. S. v. Kershaw Oil Mill. Plea of nolo contendere. Fine, \$200.** (F. & D. No. 21610. I. S. Nos. 13528-x, 16201-x.)

On February 12, 1928, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kershaw Oil Mill, a corporation, Kershaw, S. C., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 27, 1926, and November 3, 1926, from the State of South Carolina into the States of North Carolina and Maryland, respectively, of quantities of cottonseed meal, which was misbranded. The article was labeled in part: " \* \* \* 'Palmetto Brand' Cotton Seed Meal Guaranteed Analysis Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent (or 'Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent') \* \* \* Crude Fibre, Maximum 10.00 per cent (or 'Crude Fibre 14.00 per cent') \* \* \* Manufactured by Kershaw Oil Mill Kershaw, South Carolina."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis, Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent \* \* \* Crude Fibre, Maximum 10.00 per cent," and "Guaranteed Analysis, Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent \* \* \* Crude Fibre 14.00 per cent," borne on the tags attached to the sacks containing the respective lots of the said article, were false and misleading in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not more than 10 per cent of crude fibre, or contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of crude fibre, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than the declared amounts of protein, equivalent to not less than the declared amounts of ammonia, and not more than the declared amounts of crude fibre, whereas the said article contained less protein than declared, less than the equivalent of ammonia so declared, and more crude fibre than declared.

On March 13, 1928, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15718. Adulteration and misbranding of butter. U. S. v. Mandan Creamery & Produce Co. Plea of guilty. Fine, \$50.** (F. & D. No. 21593. I. S. Nos. 5496-x, 5497-x, 5498-x, 5535-x, 7701-x to 7706-x, incl.)

On April 30, 1927, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mandan Creamery & Produce Co., a corporation, Mandan, N. D., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about April 10, 1926, and in part on or about May 17, 1926, from the State of North Dakota into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. A portion of the article was contained in cartons and tubs, labeled in part, "Creamery Butter." The remainder of the said article was contained in tubs, a portion of which were labeled, "Net 63 Lbs."

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on a number of the packages containing the article, was

false and misleading in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled, "Creamery Butter," so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter as prescribed by law, but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the package bore no statement as to the quantity of the contents.

On March 8, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15719. Adulteration and misbranding of cottonseed meal. U. S. v. 15 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22247. I. S. No. 18503. S. No. 300.)**

On December 2, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 tons of cottonseed meal, remaining in the original unbroken packages at Belchertown, Mass., consigned about September 9, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," borne on the package or label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 27, 1928, the Humphreys-Godwin Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15720. Misbranding of Norma. U. S. v. 35 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22403. S. No. 476.)**

On or about January 28, 1928, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 bottles of Norma, at Richmond, Va., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about December 16, 1927, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis showed that the article consisted essentially of a soluble phosphate, glycerin, and water with a small amount of plant extractive material and red coloring. Pharmacological examination showed that it was not a vasomotor dilator.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."



On April 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15721. Adulteration and misbranding of canned lima beans. U. S. v. 98 Cases of Canned Lima Beans, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22224 to 22232, incl., 22259. I. S. Nos. 14658, 14638. S. Nos. 284, 308.)

On December 3 and December 10, 1927, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 543 cases of canned lima beans, remaining in the original unbroken packages in part at Miami, Fla., and in part at Coconut Grove, Fla., alleging that the article had been shipped by the L. H. Hayward Co., from New Orleans, La., on or about October 10, 1927, and transported from the State of Louisiana into the State of Florida, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article was labeled: "Starbright Lima Beans \* \* \* Crescent City Packing Co., Packers, New Orleans, U. S. A. \* \* \*." The remainder of the said article was labeled: "Starbright Baby Lima Beans \* \* \* Crescent City Packing Co. Packers New Orleans, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, "Baby Lima Beans," was false and misleading and deceived and misled the purchaser.

On March 9, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15722. Adulteration of canned salmon. U. S. v. 1740 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21285. I. S. Nos. 10534-x, 10535-x. S. No. W-2014.)

On October 11, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1740 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby, from Nushagak, Alaska, August 7, 1926, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Fancy Red Alaska Salmon Packed in Alaska \* \* \* Packed by Libby, McNeill and Libby, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 9, 1928, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500. conditioned in part that the adulterated portion be separated from the remainder and destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15723. Adulteration of canned cherries. U. S. v. 89 Cartons, et al. of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22184, 22185, 22186. I. S. Nos. 20891-x, 21211-x, 21212-x. S. Nos. 233, 234, 235.)

On November 22, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 137 cartons and 39 cases of canned cherries, and on November 29, 1927, an amended libel to cover 27 additional cases of the prod-

uct. It was alleged in the libels that the article had been shipped by the Eagle Canning Co., on or about August 9, 1927, in interstate commerce from Fredonia, N. Y., into the State of Pennsylvania, and that having been so transported it remained in the original unbroken packages at Scranton, Pa., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Can) "Selmore Brand Red Sour Pitted Cherries \* \* \* Packed by Eagle Canning Co., Inc., Fredonia, N. Y."

It was alleged in substance in the libels that the article consisted in whole or in part of a filthy, decomposed or putrid substance.

On February 2, 1928, the Eagle Canning Co., Inc., Fredonia, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,500, conditioned in part that the good portion be separated from the bad portion and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15724. Adulteration of black figs. U. S. v. 45 Cases of Black Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22682. I. S. No. 17962-x. S. No. 721.)

On April 2, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of black figs, remaining in the original unbroken packages at Rock Springs, Wyo., alleging that the article had been shipped from the Sunland Sales Cooperative Assoc., Fresno, Calif., on or about October 7, 1927, and had been transported from the State of California into the State of Wyoming, and charging adulteration in violation of the food and drugs act. The article was labeled in part: " \* \* \* Paradise Brand Extra Choice Black Figs, Garcia & Maggini Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it was composed in part of a decomposed and putrid vegetable substance and was unfit for food.

On April 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15725. Adulteration and misbranding of olive oil. U. S. v. 14 Gallon Cans, et al. of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22505. I. S. No. 17474-x. S. No. 620.)

On or about March 3, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 gallon cans and 16 half-gallon cans of olive oil, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by A. Giurlani and Bros., from San Francisco, Calif., on or about October 20, 1927, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents One Gallon (or 'Net Contents One-Half Gallon') Marca Campanile Brand Virgin Olio D'Oliiva Vergine Soprafinno. Distributors A. Giurlani and Brothers, San Francisco, California. Guaranty Campanile Olive Oil is guaranteed to be absolutely pure."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Virgin Olio d'Oliiva Vergine Soprafinno," "Campanile Olive Oil is guaranteed to be absolutely pure," "Net Contents one gallon," "Net Contents one-half gallon," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15726. Adulteration and misbranding of butter. U. S. v. Pioneer Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18305. I. S. Nos. 2280-v, 4537-v.)**

On March 15, 1924, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pioneer Creamery Company, a corporation, Galesburg, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 28, 1923, from the State of Illinois into the State of New York, and on or about July 19, 1923, from the State of Illinois into the State of Ohio, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "Creamery Butter," and "One Pound Net."

Adulteration was alleged in the information, with respect to the portion of the product shipped into New York, for the reason that a product deficient in milk fat and which contained excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding of the said portion was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but did consist of a product deficient in milk fat, and which contained excessive moisture.

Misbranding of the portion of the product shipped into Ohio was alleged for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of the article, but did contain a less amount. Misbranding of the said portion was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15727. Misbranding of meat scraps. U. S. v. 1200 Sacks of Meat. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22444. I. S. Nos. 17295-x, 17291-x. S. No. 545.)**

On February 9, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1200 sacks of meat, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Van Iderstine Co., from New York, N. Y., July 31, 1927, and transported from the State of New York into the State of Washington, and charging misbranding in violation of the food and drugs act. The article was labeled in part: " \* \* \* High Protein Meat Scraps Vico for Poultry Guaranteed analysis Protein Minimum 55% \* \* \* Phos. Acid Maximum 10% Manufactured by The Van Iderstine Company, Long Island City, New York V. Seattle."

It was alleged in the libel that the article was misbranded in that the statements, "Protein Minimum 55%," and "Phos. Acid Maximum 10%," borne on the label, were false and misleading, and deceived and misled the purchaser thereof.

On February 23, 1928, The Van Iderstine Co., Long Island City, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant



upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15728. Adulteration of walnut meats. U. S. v. 100 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22453. I. S. No. 17477-x. S. No. 566.)**

On February 11, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the L. Demartini Supply Co., San Francisco, Calif., January 28, 1928, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Standard Amber Meats \* \* \* From L. Demartini Supply Co. San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 1, 1928, the L. Demartini Supply Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15729. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22669. I. S. No. 21680-x. S. No. 671.)**

On March 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 28, 1928, alleging that the article had been shipped by the Gulf Road Cooperative Creamery, Randolph, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress, approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15730. Adulteration of mission figs. U. S. v. 65 Boxes of Black Mission Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22409. I. S. No. 23625-x. S. No. 500.)**

On January 31, 1928, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 boxes of black mission figs, at Waterloo, Iowa, alleging that the article had been shipped by the Sunland Sales Cooperative Association from Fresno, Calif., on or about October 28, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs Produced and Packed by California Peach and Fig Growers, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a wormy, filthy, decomposed, and putrid vegetable substance.

On May 8, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15731. Adulteration of white pepper, cloves, and black pepper, adulteration and misbranding of black pepper, and misbranding of nutmeg and red pepper. U. S. v. 5 Cases of White Pepper, et al. Products ordered released under bond. (F. & D. Nos. 22472, 22490. I. S. Nos. 15922-x, 15923-x, 23152-x, 23158-x, 23165-x to 23170-x, incl. S. Nos. 590, 606.)**

On February 24 and February 27, 1928, respectively, the United States attorney for the Northern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 10 six-pound cartons, 16 dozen one-pound cans, and 233 cases, each containing 2 dozen 1½-ounce packages of black pepper, 6 six-pound boxes and 5 cases of white pepper, 63 cases of nutmeg, 32 cases of red pepper, and 27 cases of cloves, remaining in the original packages at Tulsa, Okla., alleging that the articles had been shipped by the Biston Coffee Co., St. Louis, Mo., between the dates of September 22, 1927, and January 10, 1928, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration with respect to the white pepper, cloves and a portion of the black pepper, and misbranding with respect to the nutmeg and red pepper and a portion of the black pepper, in violation of the food and drugs act as amended. The articles were labeled, in part, variously: "Polar Bear, Highest Quality White Pepper (or "Red Pepper or Cloves or Ground Nutmeg") Net Weight 1½ Oz.;" "6 Lb. Net Polar Bear Brand Ground Black Pepper;" "12 1 Lb. Cans Polar Bear Black Pepper;" "6 Lbs. Net Polar Bear Brand White Pepper;" "Polar Bear Black Pepper Net Weight 1 Lb.;" "Polar Bear Highest Quality Nutmeg Net Weight 1½ Ozs.;" "Polar Bear Highest Quality Black Pepper. Net Weight 1½ Ozs."

It was alleged in the libels that the articles were in violation of the food and drugs act, in that a portion of the black pepper contained corn starch, and a portion thereof contained ground rice and cayenne pepper; a portion of the white pepper contained corn starch and the remainder thereof contained ground rice and corn starch; the cloves contained corn starch and ground foreign seed resembling celery seed; and the nutmeg, red pepper, and the portion of the black pepper labeled on the packages "1½ Ozs." were of weights materially less than those carried on the labels thereof.

On March 17, 1928, the Biston Coffee Co., St. Louis, having appeared as claimant for the property and having filed answers admitting that the white pepper, the cloves and a portion of the black pepper were adulterated, and that a portion of the black pepper, the nutmeg and red pepper were short weight, and having executed bonds in the total amount of \$700, conditioned that the products should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and having paid the costs of the proceedings, it was ordered by the court that the products be delivered to the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15732. Adulteration of canned cherries. U. S. v. 464 Cases of Canned Cherries. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22217. I. S. No. 20414-x. S. No. 271.)**

On November 28, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 464 cases of canned cherries, remaining unsold at Norfolk, Va., alleging that the article had been shipped by the New York Cannery, Inc., Canandaigua, N. Y., on or about October 12, 1927, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Paragon Brand Pitted Red Cherries Distributed by Genesee Canning Company, Genesee, N. Y. \* \* \*."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 9, 1928, the Irondequoit Packing Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it

was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15733. Misbranding of tomato catsup. U. S. v. 74 Cases, et al, of Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22329, 22330, 22331. I. S. Nos. 16322-x, 16323-x, 16324-x. S. No. 377.)

On December 27, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 145½ cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Greenabaum Bros., Inc., from Seaford, Del., September 27, 1927, and transported from the State of Delaware into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article consisted of various lots, labeled in part, respectively: "Maple Leaf Tomato Catsup \* \* \*;" "Pielex Fancy Tomato Catsup \* \* \*;" "Evanhook Brand Tomato Catsup \* \* \*."

It was alleged in the libel that the article was misbranded in that the package or label bore a statement, design or device regarding the said article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser, as follows: "Tomato Catsup Guaranteed Pure and to comply with all U. S. food laws Contains no artificial color or preservatives Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar."

On February 4 1928, Greenabaum Bros., Seaford, Del., having appeared as claimant for the property, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned that the product purporting to be tomato catsup without color added should not be sold or disposed of contrary to law, and that it be returned to the factory for reconditioning and relabeling.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15734. Misbranding and alleged adulteration of butter. U. S. v. 400 Cases, et al, of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22692, 22693. I. S. Nos. 20672-x to 20675-x, incl. S. Nos. 707, 716.)

On March 20, and March 23, 1928, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 900 cases, each containing 16 two-pound rolls, and 325 cases, each containing 32 one-pound prints, of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Miller & Holmes, St. Paul, Minn., alleging that the article had been shipped and delivered for shipment at St. Paul, Minn., in part March 7, 1928 and in part March 14, 1928, and transported from the State of Minnesota into the State of New York and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail package) "Net Weight Two Pounds Valleybrook Butter," or "Net Weight One Pound Extra Fancy Valleybrook Creamery Butter."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 23, 1928, the cases having been consolidated into one cause of action, and Miller & Holmes, St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant, for the purpose of reworking, reconditioning, repacking and relabeling under



the supervision of this department, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$18,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15735. Adulteration and misbranding of buttermilk. U. S. v. 40 Barrels, et al, of Buttermilk. Consent decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22672, 22694. I. S. Nos. 17428-x, 17433-x. S. Nos. 705, 727.)**

On March 27, and April 3, 1928, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 80 barrels, 35 half-barrels, 135 ten-gallon kegs, and 185 five-gallon kegs of buttermilk, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by the Lactein Co., from San Francisco Calif., in various consignments, on or about January 13, January 22, and March 13, 1928, respectively, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Concentrated Buttermilk Super solid." "Super solid Buttermilk."

It was alleged in the libels that the article was adulterated in that lightly concentrated skim milk from which a material proportion of lactose had been removed and to which sulphuric acid had been added had been substituted in part for normal buttermilk of good commercial quality, in that a valuable ingredient, lactose, had been wholly or in part abstracted, and in that it was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the designation "Super, solid Buttermilk" was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the product contained in a portion of the five-gallon and ten-gallon size kegs for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1928, the Lactein Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and until it had been reconditioned and relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15736. Adulteration of dried figs. U. S. v. 20 Cases, et al, of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22502. I. S. Nos. 17861-x, 17862-x. S. No. 623.)**

On March 2, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cases of dried figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Habicht Braun Co., from New York, N. Y., on or about November 17, 1927, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The cases containing the article were labeled in part: "\* \* \* From Habicht Braun & Co., \* \* \*." The boxes were labeled, in part: "EFE Brand \* \* \* Pulled Figs Packed by M. Nazmi Topjoglou Smyrna Turkey" or "Invincible Brand Packed by N. B. Co. Product of Smyrna Turkey Pulled Figs N. Bal-ladur & Co."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, the said article showing the presence of worms and being moldy and sour.

On May 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15737. Misbranding and alleged adulteration of cider vinegar. U. S. v. 18 Barrels of Cider Vinegar. Default decree of condemnation, forfeiture, and sale entered. (F. & D. No. 22366. I. S. No. 23706-x. S. No. 410.)**

On January 10, 1928, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 barrels of cider vinegar, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by the Central City Pickle Co., from Peoria, Ill., on or about September 30, 1927, and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Reduced Apple Cider Vinegar diluted to 45."

It was alleged in the libel that the article was adulterated in that it contained added distilled vinegar and ash material.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar" and "Diluted to 45," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1928, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that it be sold by the United States marshal, but that such sale or resale by the purchaser must be made in compliance with the Federal food and drugs act and all other laws.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15738. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22789. I. S. Nos. 25643-x, 20336-x. S. No. 780.)**

On April 25, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Larson Creamery Co., Cokato, Minn., alleging that the article had been shipped from Cokato, Minn., on or about April 23, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On May 4, 1928, the Larson Creamery Co., Cokato, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15739. Adulteration and misbranding of cottonseed meal. U. S. v. 151 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22318. I. S. No. 20422-x. S. No. 365.)**

On December 22, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel praying seizure and condemnation of 151 sacks of cottonseed meal, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, by W. S. Hoge & Bro., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Helmet Brand Prime Cottonseed Meal Ashcraft Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Ammonia 8% \* \* \*."



It was alleged in the libel that the article was adulterated in that a substance deficient in ammonia had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Prime Cottonseed Meal Guaranteed Analysis Ammonia 8%," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 31, 1928, W. S. Hoge & Bro., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$25, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15740. Adulteration and misbranding of butter. U. S. v. 25 Cartons, et al, of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22787. I. S. Nos. 25662-x, 25663-x, 25664-x. S. No. 789.)

On April 30, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 55 cartons and 87 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vasa Farmers Coop. Assoc., Welch, Minn., alleging that the article had been shipped from Welch, Minn., on or about April 23, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that a valuable constituent of the article had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of, or offered for sale under the distinctive name of, another article.

On May 5, 1928, the Meridale Dairies, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that it should not be sold or otherwise disposed of until reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15741. Adulteration of canned sardines. U. S. v. 38 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22659. I. S. No. 21916-x. S. No. 703.)

On March 26, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 38 cases of sardines, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 5, 1927, and transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines in Cottonseed Oil The Brawn Company Portland Maine and Plymouth Mass."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 22, 1928, no appearance or answer having been filed in the case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15742. Misbranding of tomato paste. U. S. v. 350 Cases, et al, of Tomato Paste. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22769. I. S. Nos. 20337-x, 20338-x. S. No. 803.)**

On May 10, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 675 cases of tomato paste, remaining in the original unbroken packages at Philadelphia, Pa., consigned by La Sierra Heights Canning Co., Arlington, Calif., alleging that the article had been shipped in part on or about September 28, 1927, and in part on or about January 10, 1928, from Arlington, in the State of California into the State of Pennsylvania, in violation of the food and drugs act. The article was labeled in part: "Liberta Brand Tomato Paste," or "Giardiniera Brand Tomato Paste."

It was alleged in the libels that the statements, "Tomato Paste Salsi di Pomodoro," and "Tomato Paste," borne on the labels, were false and misleading, in that artificial color had been added.

On May 16, 1928, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property, judgments of the court were entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15743. Adulteration of cheese. U. S. v. 110 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22392. I. S. No. 23887-x. S. No. 474.)**

On January 31, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by M. Fitzgerald, from East Waupun, Wis., January 12, 1928, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article.

On May 26, 1928, the J. S. Hoffman Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, in such manner as to remove the excess water.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15744. Adulteration of prunes. U. S. v. 144 Boxes of Prunes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22723. I. S. Nos. 24267-x, 24268-x. S. No. 760.)**

On April 18, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 144 boxes of prunes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Jacksonville Florida Union Terminal Warehouse Co., from Jacksonville, Fla., March 24, 1928, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.



On May 22, 1928, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15745. Adulteration and misbranding of vinegar. U. S. v. 15 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22625. I. S. No. 25004-x. S. No. 662.)**

On or about March 14, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of vinegar, remaining in the original unbroken packages at Terre Haute, Ind., alleging that the article had been shipped by the Evans-Rich Mfg. Co., from St. Louis, Mo., on or about November 11, 1927, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cartons) "Two Dozen Thirteen Ounces Crown Seal Vinegar Astor House Apple Vinegar," or "Two Dozen Twelve Ounce FL Astor House Brand Evaporated Apple Vinegar;" (bottles) "Astor House Brand Evaporated Apple Vinegar."

It was alleged in the libel that the article was adulterated in that a product other than evaporated apple vinegar had been substituted in whole or in part for the said article, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Evaporated Apple Vinegar," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15746. Adulteration of tangerines. U. S. v. 37 Baskets of Tangerines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22712. I. S. No. 21253-x. S. No. 725.)**

On March 29, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 baskets of tangerines, remaining in the original unbroken packages at Baltimore, Md., consigned about March 21, 1928, alleging that the article had been shipped by Prevatt & Co., from Seville, Fla., and transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that frost-damaged citrus fruit had been substituted for the article, and for the further reason that a valuable constituent, namely, juice, had been wholly or in part extracted and in that it consisted in whole or in part of a decomposed vegetable product.

On May 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15747. Adulteration of walnut meats. U. S. v. 63 Boxes of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22764. I. S. No. 17448-x. S. No. 799.)**

On May 7, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 boxes of walnut meats, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by Leon Mayer, Los Angeles, Calif., on or about April 22, 1928, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dark

Walnut Meats \* \* \* Mayers brand, Packed by Leon Mayer, California Nut Products \* \* \* Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 8, 1928, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of until reconditioned in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15748. Adulteration and misbranding of canned corn. U. S. v. 230 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22324. I. S. No. 15837-x. S. No. 371.)**

On December 23, 1927, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 230 cases of canned corn, at Cincinnati, Ohio, consigned by Carroon & Co., Fowler, Ind., October 19, 1927, alleging that the article had been shipped in interstate commerce from Fowler, Ind., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Our Aim Fancy Country Gentleman Sugar Corn, Fancy Quality. \* \* \* Carroon & Co., Fowler, Indiana."

Adulteration of the article was alleged in the libel for the reason that a product, canned field corn, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Sugar Corn," "Fancy Quality," and "Fancy Country Gentleman Sugar Corn," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 14, 1928, Carroon & Co., Fowler, Ind., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15749. Misbranding of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation and forfeiture. (F. & D. No. 22704. I. S. No. 21714-x. S. No. 748.)**

On April 16, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Eagle Canning Co., Inc., from Fredonia, N. Y., November 30, 1927, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eagle Brand Tomato Paste Eagle Canning Co., Inc., Fredonia, N. Y. Salsa Di Pomodoro."

It was alleged in the libel that the article was misbranded in that the statement, "Tomato Paste Salsa di Pomodoro," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product artificially colored.

On May 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15750. Adulteration of figs. U. S. v. 3 Cases and 4 Cases of Dried Round Figs. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22387, 22388. I. S. No. 17694-x. S. No. 466.)

On January 21, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 cases of dried round figs, remaining in the original unbroken packages at San Francisco, Calif., consigned by Lekas & Drivas, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 11, 1927, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part "KRS & D. New York \* \* \* Product of Greece Lekas & Drivas, Calavata."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 1, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

**R. W. DUNLAP, Acting Secretary of Agriculture.**



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Vinegar:		
Central City Pickle Co-----	15737	
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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15751-15800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 11, 1929]

**15751. Adulteration of figs. U. S. v. 25 Cases of Muffin Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22316. I. S. No. 17673-x. S. No. 358.)

On January 9, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of muffin figs, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from San Francisco, Calif., December 6, 1927, and transported from the State of California into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Muffin Figs Produced and Packed by California Peach and Fig Growers Association, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15752. Adulteration and misbranding of vinegar. U. S. v. 62 Barrels of Apple Cider Vinegar. Default decree of confiscation and destruction entered.** (F. & D. No. 22633. I. S. No. 15825-x. S. No. 665.)

On or about March 17, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 62 barrels of vinegar, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Whitehead Kiesel Co., from Louisville, Ky., on or about December 8, 1927, and transported from the State of Kentucky into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Rex Brand Apple Cider Vinegar. Net Contents 52 Gals."

Examination of a sample of the article by this department showed it to consist of evaporated apple products vinegar.

It was alleged in the libel that the article was adulterated in that a product other than apple cider vinegar had been substituted in whole or in part for the said article and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar" and "Net Contents 52 Gals," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On April 9, 1928, no claimant having appeared for the property, judgment was entered finding the product adulterated and misbranded, and it was ordered by the court that the product be confiscated and destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15753. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22807. I. S. No. 21900-x. S. No. 805.)**

On May 4, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Mannanah Cooperative Creamery Co., Litchfield, Minn., on or about April 30, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 25, 1928, C. C. Kieley, operator of the Mannanah Cooperative Creamery Co., Litchfield, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15754. Misbranding and alleged adulteration of vinegar. U. S. v. 30 Barrels of Vinegar. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22449. I. S. No. 23719-x. S. No. 534.)**

On February 9, 1928, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 barrels of vinegar, remaining unsold in the original packages at Clinton, Iowa, alleging that the article had been shipped by the National Vinegar Co., from East St. Louis, Ill., on or about June 25, 1927, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "National Vinegar Co., Gold-N-Rule Brand \* \* \* Cider Vinegar \* \* \* St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it was an evaporated apple by-product vinegar.

Misbranding was alleged for the reason that the statement, "Cider Vinegar," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 3, 1928, the National Vinegar Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15755. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22790. I. S. No. 24503-x. S. No. 777.)**

On April 25, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original

unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fisher Creamery Co., Fisher, Minn., on or about April 19, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 4, 1928, the Fisher Creamery Co., Fisher, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15756. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22786. I. S. No. 24507-x. S. No. 787.)**

On April 27, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Twin Willows Creamery Co., Holloway, Minn., on or about April 19, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 4, 1928, the Twin Willows Creamery Co., Holloway, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15757. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of guilty. Fine, \$100. (F. & D. No. 22529. I. S. Nos. 9361-x, 10219-x.)**

On November 8, 1927, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the East St. Louis Cotton Oil Co., trading as the Forrest City Cotton Oil Mill, Forest City, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about October 4, 1926, from the State of Arkansas into the State of Indiana, and on or about September 22, 1926, under the name of the Humphreys-Godwin Co., from the State of Arkansas into the State of Ohio, of quantities of cottonseed meal which was misbranded.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Protein 43.00% \* \* \* Crude Fiber 10.00%," with respect to a portion of the product, and "Guarantees this 'Lovit Brand' 43% Cottonseed Meal to contain not less than \* \* \* 43.0 per cent of crude protein, not more than 10.0 per cent of crude fiber," with respect to the remainder thereof, borne on the tags, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, or crude protein, as the case might be, and not more than 10 per



cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, or crude protein, and not more than 10 per cent of crude fiber, whereas it contained less than 43 per cent of protein, or crude protein, and more than 10 per cent of crude fiber.

On March 20, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15758. Adulteration of figs. U. S. v. 40 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22503. S. No. 619.)**

On March 2, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mason Ehrmann Co., on or about February 28, 1928, from Portland, Ore., and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, an examination of the article showing the presence of worms and that it was sour and moldy, and also disclosing the presence of sticks and straw and live insects.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15759. Adulteration of butter. U. S. v. 306 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22686, 22711. I. S. Nos. 21689-x, 21692-x. S. Nos. 697, 700.)**

On March 15 and March 18, 1928, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 318 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned in two lots, on or about February 27 and February 28, 1928, respectively, alleging that the article had been shipped by the North American Creamery Co., in part from Paynesville, Minn., and in part from Watertown, S. Dak., and transported from the States of Minnesota and South Dakota, respectively, into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On March 20, 1928, the North American Creamery Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15760. Misbranding of olive oil. U. S. v. 20 Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22654, 22673. I. S. Nos. 17429-x, 17435-x. S. Nos. 692, 715.)**

On March 20 and March 28, 1928, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 cases, each containing 12 one-gallon cans, 4 cases, each containing 24 one-half-gallon cans, and 20 cans of olive oil, remain-



ing in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by D. F. De Bernardi & Co., from San Francisco, Calif., in part on or about March 15, 1927, and in part on or about March 29, 1927, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tins) "Laviola Brand Olive Oil D. F. Deb & Co., Net Contents 1 Gallon" (or "Net Contents  $\frac{1}{2}$  Gallon").

Misbranding of the article was alleged in the libels for the reason that the statements, "Net Contents 1 Gallon," " $\frac{1}{2}$  Gallon," or "Net Contents  $\frac{1}{2}$  Gallon," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1928, D. F. De Bernardi & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15761. Adulteration and misbranding of cocoa. U. S. v. 15 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22498. I. S. No. 17478-x. S. No. 609.)**

On February 29, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 barrels of cocoa, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Ore., February 11, 1928, and had been transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

The product was invoiced as "cocoa."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15762. Adulteration of butter. U. S. v. 126 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22822. I. S. No. 25783-x. S. No. 848.)**

On or about May 28, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 126 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Keosauqua Creamery Co., Keosauqua, Iowa, May 21, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On or about June 12, 1928, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15763. Misbranding of butter. U. S. v. 3 Boxes of Butter. Product released under bond to be reconditioned. (F. & D. No. 21995. I. S. No. 17283-x. S. No. 16.)**

On July 11, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment in interstate commerce from Seattle, Wash., into the Territory of Alaska, on July 8, 1927, by J. H. Pocock, Seattle, Wash., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight."

It was alleged in the libel that the article was misbranded under section 8 of the act, paragraphs 2 and 3, under "food," in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and that the product was short weight.

On November 5, 1927, a default judgment of condemnation, forfeiture, and destruction was entered. On November 14, 1927, J. H. Pocock, Seattle, Wash., having appeared as claimant for the property, by stipulation with the Government the order of destruction was vacated and the claimant permitted to take the product down under bond for reconditioning, and on January 17, 1928, the terms of the said bond having been complied with, the said bond was exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15764. Adulteration of walnuts. U. S. v. 5 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22725. I. S. No. 18060-x. S. No. 765.)**

On April 19, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 bags of walnuts, remaining in the original unbroken packages at Greenville, Ohio, alleging that the article had been shipped by the Service Brokerage Co., from New York, N. Y., December 2, 1927, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15765. Adulteration and misbranding of olive oil. U. S. v. 30 Quart Cans of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22700. I. S. No. 17434-x. S. No. 743.)**

On April 12, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 quart cans of olive oil, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by A. Giurlani & Bros., from San Francisco, Calif., on or about August 20, 1927, and had been transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents One Quart. Guaranteed Imported Pure Virgin Olive Oil. A pure Medicinal A wholesome food. R. C. Brand."

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith, and substituted wholly or in part for normal olive oil of good commercial quality.

Misbranding was alleged for the reason that the statements, "Contents One Quart" and "Pure Virgin Olive Oil," borne on the label, were false and mis-



leading and deceived and misled the purchaser, and in that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On June 14, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15766. Adulteration and misbranding of linseed meal. U. S. v. 100 Sacks of Linseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22619. I. S. No. 21042-x. S. No. 643.)**

On March 9, 1928, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of linseed meal, remaining in the original unbroken packages at Portland, Me., consigned about January 14, 1928, alleging that the article had been shipped by the Mann Brothers Co., Buffalo, N. Y., and transported in interstate commerce from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Guaranteed Analysis Minimum Protein 33%," borne on the package or label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 18, 1928, the New England Grain Co., Portland, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15767. Adulteration of canned tomatoes. U. S. v. 183 Cartons and 1046 Cartons of Canned Tomatoes. Decree entered ordering release of good portion and destruction of remainder. (F. & D. No. 22163. I. S. Nos. 14629-x, 14630-x. S. No. 213.)**

On November 12, 1927, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1229 cartons of canned tomatoes, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by Thomas Roberts & Co., from Mount Vernon, Md., September 26, 1927, and had been transported from the State of Maryland into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, or putrid vegetable substance.

On February 20, 1928, by stipulation between the Government and the Avant Pace Co., Pensacola, Fla., claimant, the property was delivered to the said claimant for incubation under the supervision and control of the United States marshal. On April 12, 1928, the said incubation having developed that a portion of the product was unfit for human consumption, and that the remainder was fit and proper for sale on the open market, a decree was entered ordering that the unfit portion be destroyed, and the remainder released upon payment of costs by the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15768. Adulteration of apple chops. U. S. v. 450 Bags of Apple Chops. Decree of destruction entered. (F. & D. No. 22002. I. S. No. 20588-x. S. No. 46.)**

On July 11, 1927, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel praying seizure and condemnation of 450 bags of apple chops, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Evaporated Fruits, Inc., from Selah, Wash., on or about April 9, 1927, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, arsenic, which might have rendered it injurious to health.

On May 17, 1928, a decree of condemnation having theretofore been entered, with provision that the product might be released, under bond to be reconditioned, to the claimant, the Evaporated Fruits, Inc., and the conditions of said decree not having been complied with, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15769. Adulteration and misbranding of cocoa. U. S. v. 10 Barrels and 10 Barrels of Cocoa. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22634, 22635. I. S. Nos. 17879-x, 17880-x. S. No. 647.)**

On March 10, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 barrels of cocoa, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Ore., February 18, 1928, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The powder was invoiced as "Pure Cocoa Powd. This cocoa powder guaranteed to pass pure food inspection."

It was alleged in the libel that the article was adulterated in that added cocoa shell had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation, "Pure Cocoa Powder," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

On May 25, 1928, Kockos Bros. and Stiefvaters & Co., both of San Francisco, Calif., having appeared as claimants for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15770. Adulteration of oranges. U. S. v. 144 Boxes of Oranges. Decree of condemnation entered. Product released under bond. (F. & D. No. 22732. I. S. No. 23435-x. S. No. 771.)**

On April 13, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 144 boxes of oranges, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Taylor Packing House, from Tampa, Fla., on or about April 10, 1928, and transported from the State of Florida into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 17, 1928, the Taylor Packing House, Tampa, Fla., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in

part that it should not be used, sold, or disposed of until made to comply with the Federal food and drugs act, compliance with said condition to be determined by this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15771. Adulteration and misbranding of butter. U. S. v. 34 Cases of Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22788. I. S. No. 21595-x. S. No. 781.)**

On or about April 20, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Elberton Creamery, Inc., from Elberton, Ga., April 14, 1928, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pure Creamery Butter, One Pound Net."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and tended to deceive and mislead the purchaser, in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not consist wholly of butter but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was not correct, as the packages contained less than 1 pound.

On April 27, 1928, the Elberton Creamery, Inc., Elberton, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$850, conditioned in part that it be reworked so that each package contain 16 ounces of butter net weight, and so as to conform with the provisions of the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15772. Adulteration and misbranding of white pepper, black pepper, red pepper, nutmeg, and cloves. U. S. v. 40 Cases of Ground White Pepper, et al. Products adjudged adulterated and misbranded, and ordered released under bond. (F. & D. Nos. 22486, 22487, 22509, 22617. I. S. Nos. 23176-x, 23177-x, 23179-x, 23180-x, 23188-x, 23192-x, 23194-x. S. Nos. 607, 630, 632.)**

On March 2, March 5, and March 7, 1928, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 950 cases of black pepper, 40 cases of white pepper, 40 cases of red pepper, 59 cases of nutmeg, and 10 cases of cloves, in various lots at Muskogee, Seminole, and Holdenville, Okla., respectively, alleging that the articles had been shipped by the Biston Coffee Co., St. Louis, Mo., between the dates of October 25, 1927, and December 23, 1927, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, variously: "Polar Bear Black Pepper, Net Weight 1½ Ounces;" "Polar Bear Highest Quality Red Pepper, Net Weight 1½ Ounces;" "Polar Bear White Pepper, Net Weight 1½ Ounces."

Adulteration was alleged in the libels with respect to a portion of the black pepper and the red pepper for the reason that cornstarch had been mixed and packed with and substituted in part for the articles. Adulteration was alleged



with respect to the cloves for the reason that foreign materials had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the nutmeg for the reason that cornstarch and ginger had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the said white pepper for the reason that cornstarch and ground rice had been mixed with and substituted in part for the article.

Misbranding was alleged with respect to a portion of the black pepper, the red pepper, the nutmeg, the cloves, and the white pepper for the reason that the statements, to wit, "Black Pepper," "Red Pepper," "Cloves," "Nutmeg," and "Ground White Pepper," borne on the respective labels, were false and misleading and deceived and misled the purchaser, and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the black pepper, the cloves, and nutmeg for the reason that the statement "Net Weight 1½ Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having filed bonds for the release of the products in the total amount of \$2,707.52, decrees were entered finding all material allegations of the libels to be true, and it was ordered by the court that the products be released to the said claimant, upon payment of the costs of the proceedings, to be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15773. Misbranding of alfalfa meal, pulverized whole oats, and ground alfalfa. U. S. v. 90 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 745-c. I. S. Nos. 2970-x, 2971-x, 2972-x. S. No. 509.)**

On December 31, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 90 sacks of alfalfa meal, 99 sacks of pulverized whole oats, and 50 sacks of ground alfalfa, remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the Grain Belt Mills Co., from St. Joseph, Mo., on or about December 22, 1927, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and in that the net weight was not indicated on said packages.

On January 31, 1928, the Grain Belt Mills Co., St. Joseph, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that they should not be sold or offered for sale in violation of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15774. Misbranding of wheat middlings. U. S. v. 300 Sacks of Standard Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 744-c. I. S. No. 2966-x. S. No. 306.)**

On November 1, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of standard wheat middlings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the International Milling Co., Sioux City, Iowa, on or about October 12, 1927, and transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the weight of each sack was not plainly shown on the outside thereof, and in that the



true quantity of the contents was not plainly and conspicuously marked on the outside of said sacks.

On December 10, 1927, Rudy Patrick & Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or offered for sale in violation of the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15775. Adulteration of fig pulp. U. S. v. 689 Cases of Fig Pulp. Default decree of condemnation and destruction. (F. & D. No. 22196. I. S. No. 14493-x. S. No. 261.)**

On November 21, 1927, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 689 cases of fig pulp, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by Guggenhime & Co., from Fresno, Calif., on or about August 16, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pansy Brand California Fig Pulp. \* \* \* Guggenhime & Co., California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 29, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15776. Adulteration of canned cherries. U. S. v. 30 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22464. I. S. No. 16368-x. S. No. 573.)**

On February 16, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of canned cherries, remaining in the original unbroken packages at Wilkesbarre, Pa., alleging that the articles had been shipped by H. C. Hemingway & Co., from Lockport, N. Y., on or about December 2, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Schuyler Brand Pitted Cherries \* \* \* H. C. Hemingway & Co. Distributors, Syracuse, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, wormy cherries.

On May 22, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15777. Adulteration and misbranding of cocoa. U. S. v. 4 50-Pound Drums, et al, of Cocoa. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22717, 22718. I. S. Nos. 17951-x, 17952-x. S. Nos. 740, 741.)**

On April 19, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 50-pound drums, 8 25-pound drums, and 1 barrel of cocoa, remaining in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped in part by E. & A. Opler, Inc., from Chicago, Ill., on or about February 29, 1928, and in part from Denver, Colo., on or about February 9, 1928, and transported from the States of Illinois and Colorado, respectively, into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. and A. Opler, Inc., Chicago;" (drums) "Satisfaction Cocoa;" (barrel) "Opler's Pure Cocoa."

It was alleged in substance in the libel that the article was adulterated in that cocoa shell had been mixed and packed therewith so as to reduce, lower,

and injuriously affect its quality and strength, and had been substituted in part for cocoa.

Misbranding was alleged for the reason that the said drums and barrel bore labels representing that the contents thereof were pure cocoa, whereas cocoa shells had been mixed and packed with and substituted in part for cocoa. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, cocoa.

On June 15, 1928, E. & A. Opler, Inc., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and that the containers be relabeled to show the contents thereof.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15778. Adulteration of walnuts. U. S. v. 10 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22295. I. S. No. 20419-x. S. No. 345.)**

On December 17, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 bags of walnuts, remaining unsold at Alexandria, Va., alleging that the article had been shipped by the Frank P. Kruger Co., Inc., New York, N. Y., on or about October 1, 1927, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15779. Adulteration of fig bars. U. S. v. 72 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22301. I. S. No. 17535-x. S. No. 335.)**

On December 17, 1927, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 boxes of fig bars, remaining in the original packages at Phoenix, Ariz., alleging that the article had been shipped by the Old Mission Fig Bar Co., from Oakland, Calif., in part on or about November 8, 1927, and in part on or about November 12, 1927, and had been transported from the State of California into the State of Arizona, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Old Mission Fig Bars Made by Mothers Cookie Co., Oakland, Calif. Whole Wheat 12 Lbs. Net Weight Sun Mercantile Co., Phoenix, Ariz."

It was alleged in substance in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance and was unfit for food.

On April 16, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15780. Adulteration of grapefruit. U. S. v. 332 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22691. I. S. No. 22003-x. S. No. 655.)**

On or about March 3, 1928, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 332 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by L. Maxcy, Inc., South Lake Weir, Fla., alleging that the article had been shipped from South Lake Weir, Fla., on or about February 21, 1928, and transported from the State of Florida into the



State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "L. Maxcy Incorporated, Frostproof, Fla., Supreme Brand Grapefruit."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance, to wit, of decomposed and frozen grapefruit, in that it consisted in whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit, which the product purported to be, and in that a valuable constituent, juice, had been wholly or in part abstracted.

On March 9, 1928, L. Maxcy, Inc., Frostproof, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged and the decomposed portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15781. Adulteration of mineral water. U. S. v. 35 Gallons of Benscot Natural Mineral Spring Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21235. I. S. No. 1748-x. S. No. C-5204.)**

On August 13, 1926, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 gallons of Benscot natural mineral spring water, remaining in the original unbroken packages at Anniston, Ala., alleging that the article had been shipped by the Benscot Mineral Springs Co., Austell, Ga., on or about July 27, 1926, and transported from the State of Georgia into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Benscot Mineral Springs Company Natural Mineral Spring Water, Austell, Cobb County, Georgia."

It was alleged in the libel that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On May 18, 1928, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15782. Adulteration and misbranding of chocolate coating. U. S. v. 2 Cases of Chocolate Coating. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22608. I. S. No. 14741-x. S. No. 633.)**

On March 6, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cases, containing 17 cakes of chocolate coating, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Runkel Bros., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about January 20, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Runkel's Invincible Chocolate Coating Sweet."

It was alleged in the libel that the article was adulterated in that foreign fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Chocolate Coating Sweet," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On June 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**15783. Adulteration and misbranding of vanilla extract. U. S. v. 34 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 22039. I. S. No. 14990-x. S. No. 81.)**

On September 2, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 dozen bottles of vanilla extract, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Diamond Seal Products, Inc., New York, N. Y., on or about February 23, 1927, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Siegmann's 6 Dr. Absolutely Pure Extract Vanilla \* \* \* Prepared by Siegmann Bros."

It was alleged in the libel that the article was adulterated in that dilute alcohol had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements upon the bottle label, "Absolutely Pure Extract Vanilla Guaranteed Absolutely Pure \* \* \* Purity Strength Quality," and upon the carton label, "Absolutely Pure Extract Vanilla Guaranteed Absolutely Pure \* \* \* Purity Strength Quality \* \* \* The Purest is always the Best. The Purest in All Flavors," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 10, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal if such sale could be speedily effected, otherwise that it be destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15784. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22878. I. S. No. 20213-x. S. No. 922.)**

On June 26, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 boxes of butter, remaining in the original unbroken boxes at Philadelphia, Pa., consigned by the Washington County Creamery Co., Abingdon, Va., alleging that the article had been shipped from Abingdon, Va., on or about June 23, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the label or package bore a statement regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser as follows: "Dixie Brand Highest Quality Fancy Creamery Butter, One Lb. Net Weight." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct and was not in correct form.

On June 29, 1928, Meridale Dairies, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15785. Misbranding of oil. U. S. v. 14 1-Gallon Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22099. I. S. No. 21087-x. S. No. 144.)**

On October 18, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 1-gallon cans of oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the J. Grandinetti Co., Inc., Williamsport, Penn., on or about August 4, 1927, and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Termini Amorsi Brand Winter-pressed Cottonseed Oil 1 Gallon \* \* \* M'fr'd. by J. G. & Co., Wmsport, Pa."

It was alleged in the libel that the article was misbranded in that the statement, "1 Gallon," was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15786. Misbranding of tomato paste. U. S. v. 16 Cases, et al, of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22702, 22705, 22706, 22707, 22708. I. S. Nos. 21695-x, 21696-x, 21711-x, 21712-x, 21713-x. S. Nos. 742, 744, 745, 746, 747.)**

On April 13 and April 14, 1928, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 35 cases and 33 cartons of tomato paste, remaining in the original unbroken packages in various lots at Boston, Lawrence, and Fall River, Mass., respectively, consigned between the dates of October 20, 1927, and February 6, 1928, alleging that the article had been shipped by the Eagle Canning Co., Inc., Fredonia, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Eagle Brand Tomato Paste, Eagle Canning Co., Inc., Fredonia, N. Y. Salsa Di Pomodoro;" "Unita Brand Tomato Paste made from Domestic and Italian Tomatoes \* \* \* Packed by Eagle Canning Co., Inc., Fredonia, N. Y. \* \* \* Salsa Di Pomodoro Con Basilico;" "Perfect Brand Tomato Paste Salsa di Pomodoro Packed for Lawrence Grocery Co., Lawrence, Mass."

Examination of samples of the article by this department showed them to be artificially colored.

It was alleged in the libels that the article was misbranded in that the following statements, "Tomato Paste," "Salsa di Pomodoro," or "Tomato Paste Made from Domestic and Italian Tomatoes Salsa Di Pomodoro con Basilico," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.

On June 25, 1928, the cases having been consolidated into one cause of action, and the Eagle Canning Co., Inc., Fredonia, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400. conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15787. Adulteration of frozen eggs. U. S. v. 43 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22452. I. S. No. 20954-x. S. No. 541.)**

On February 11, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 cans of frozen eggs at Newark, N. J., alleging that the article had been, shipped by the Detroit Butter & Egg Co., Detroit, Mich., on



or about November 17, 1927, and transported from the State of Michigan into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pure Candegs Frozen \* \* \* Packed Exclusively by Detroit Butter & Egg Co., Incorporated, Detroit, Michigan."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On June 18, 1928, the Detroit Butter & Egg Co., Detroit, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the cans containing good eggs be separated from those containing bad eggs and the latter destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15788. Adulteration of canned sweet potatoes. U. S. v. 615 Cases of Canned Sweet Potatoes. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22383. I. S. No. 20364-x. S. No. 394.)**

On January 20, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 615 cases of canned sweet potatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the John W. Taylor Packing Co., from Hallwood, Va., September 22, 1926, and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hallwood Brand Sweet Potatoes Packed by John W. Taylor Packing Co., Hallwood, Va."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 30, 1928, the John W. Taylor Packing Co., Hallwood, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it should not be sold or disposed of until salvaged so as to conform to the requirements of the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15789. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22875. I. S. No. 20220-x. S. No. 919.)**

On June 27, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Washington County Creamery Co., Inc., Abingdon, Va., alleging that the article had been shipped from Abingdon, Va., on or about June 24, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that the package bore no statement of the quantity of contents.

On June 28, 1928, C. M. Drake, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond



in the sum of \$400, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15790. Adulteration and misbranding of lactein modified concentrated buttermilk. U. S. v. 25 Barrels, et al, of Lactein Modified Concentrated Buttermilk. (F. & D. No. 22818. I. S. No. 21105-x. S. No. 869.)**

On June 12, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 barrels, 1½ barrels, and 42 kegs of lactein modified concentrated buttermilk, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Lactein Co., Modesto, Calif., alleging that the article had been shipped from Modesto, Calif., on or about May 4, 1928, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a lightly concentrated skim milk product, from which a material proportion of the lactose had been removed and to which sulphuric acid had been added, had been substituted in part for the said article, in that a valuable ingredient, lactose, had been in part removed, and in that it was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the designation borne on the label, "Concentrated Buttermilk," was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On June 29, 1928, the Lactein Co., Modesto, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be relabeled and reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15791. Adulteration of fig paste. U. S. v. 156 Pounds of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22079. I. S. No. 2721-x. S. No. 128.)**

On October 13, 1927, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 156 pounds of fig paste, remaining in the original unbroken packages at Hutchinson, Kans., alleging that the article had been shipped by the Rosenberg Bros. Co., from Fresno, Calif., on or about May 13, 1927, and transported from the State of California into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "California Fig Calimyrna Paste, order Rosenberg Bros. & Co., Hutchinson, Kansas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, which rendered it unfit for consumption as food.

On June 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15792. Adulteration of fig pulp. U. S. v. 542 Cases of Fig Pulp. Decree of condemnation entered. Product released under bond. (F. & D. No. 22208. I. S. No. 14494-x. S. No. 268.)**

On November 25, 1927, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 542 cases of fig pulp, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by the Garcia & Maggini Co., San Francisco, Calif., on or about September 26, 1927, and transported from Fresno, Calif., into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Paradise Brand California Fig Paste Packed by Garcia & Maggini Co. San Francisco, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 4, 1928, the Garcia & Maggini Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be used or disposed of contrary to the Federal food and drugs act, nor as food for human beings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15793. Adulteration of canned cherries. U. S. v. 499½ Cases of Cold Pack Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22696. I. S. No. 23871-x. S. No. 730.)**

On April 5, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 499½ cases of cold pack cherries at Dayton, Ohio, consigned by R. M. Mesler, Inc., Medina, N. Y., about February 13, 1928, alleging that the article had been transported in interstate commerce from Medina, N. Y., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bespie Cherries Cold Packed \* \* \* Red Sour Pitted, Packed by R. M. Mesler, Inc. Medina, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 30, 1928, Dailey Bros., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be salvaged under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15794. Adulteration and misbranding of vinegar. U. S. v. 15 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22450. I. S. No. 19909-x. S. No. 515.)**

On February 10, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the Yancy Vinegar Co., St. Louis, Mo., on or about October 29, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Cider Vinegar \* \* \* Yancy Vinegar Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a vinegar made from evaporated apple products had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label. "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to condemnation and confiscation, and it was ordered by the court that the product be destroyed by the United States marshal, and the containers and cases sold.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15795. Adulteration and misbranding of vinegar. U. S. v. 17 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22459. I. S. No. 19915-x. S. No. 559.)**

On February 15, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., on or about March 31, 1927, and transported from the State



of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Target Brand Evaporated Apple Vinegar \* \* \* 40 Grain National Gro. Sundries Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar, with water, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the bottle label, "Evaporated Apple Vinegar" and "40 Grain," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal, and the cases and containers sold.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15796. Adulteration of butter. U. S. v. 6 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22872, 22874. I. S. Nos. 22172-x, 22178-x. S. Nos. 887, 905.)

On or about June 14 and June 20, 1928, respectively, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the National Park Creamery, Rexburg, Idaho, in part on or about May 31, 1928, and in part on or about June 5, 1928, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 21, and June 22, 1928, respectively, the National Park Creamery, Rexburg, Idaho, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of bonds totaling \$480, conditioned in part that it be made to conform with the law, under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15797. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22873. I. S. No. 20199-x. S. No. 903.)

On June 25, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Freeport Cooperative Creamery Co., Freeport, Ohio, alleging that the article had been shipped from Freeport, Ohio, on or about June 22, 1928, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On June 28, 1928, C. M. Drake, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon



payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15798. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22868. I. S. No. 20181-x. S. No. 906.)**

On June 22, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Tifton Ice Cream & Creamery Co., Tifton, Ga., alleging that the article had been shipped from Tifton, Ga., on or about June 19, 1928, and transported from the State of Georgia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On June 26, 1928, the Meridale Dairies, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15799. Adulteration of butter. U. S. v. 10 Cases of Butter, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22871. I. S. Nos. 22174-x, 22175-x, 22176-x. S. No. 889.)**

On or about June 15, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 38 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Rainier Creamery, Rainier, Ore., in various consignments, on June 4, June 6, and June 7, 1928, respectively, and had been transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 21, 1928, the Rainier Creamery Co., Rainier, Ore., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15800. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22876. I. S. No. 20218-x. S. No. 920.)**

On June 27, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Summerfield Dairy Products Co., from Summerfield, Ohio, alleging that the article had been shipped from

Summerfield, Ohio, on or about June 25, 1928, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that the package bore no statement of quantity of contents.

On June 28, 1928, Crawford & Lehman, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15801-15850

[Approved by the Secretary of Agriculture, Washington, D. D., April 17, 1929]

**15801. Adulteration of ergot. U. S. v. 362 Pounds of Ergot. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21740. I. S. No. 13302-x. S. No. E-6031.)

On March 17, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 362 pounds of ergot, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by King & Howe, from New York, N. Y., on or about February 18, 1927, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Analyses of samples of the article by this department showed that its potency was not more than one-half of that required by the United States Pharmacopoeia for ergot.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

On April 30, 1928, King & Howe, New York, N. Y., having appeared as claimants for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, conditioned in part that it be returned to the custody of the Collector of Customs to be exported from the United States under the supervision of the Customs authorities.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15802. Misbranding of Womanette. U. S. v. 205 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20704. I. S. No. 3930-x. S. No. C-4903.)

On December 12, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 205 bottles of Womanette at New Orleans, La., alleging that the article had been shipped by the Capital Remedy Company, from Jackson, Miss., on or about April 1, 1925, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including sassafras, potassium bromide, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the labels regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed:

(Bottle and carton labels) "Womanette \* \* \* A Health, Strength, and Beauty-Builder \* \* \* Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are \* \* \* Nervine. Its tendency is to \* \* \* equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness, and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature;" (bottle label) "A remedy for the treatment of diseases peculiar to the female sex, Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites. Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc. \* \* \* The pregnant may use it as well as the maiden or those having a change of life. Ladies who have once used it during pregnancy are not again willing to be without it. Besides preventing cramps, pains, fretfulness, etc., the system is so well prepared for the confinement that a case of difficult, tedious, and dangerous labor has never been known to occur when a few bottles have been used during the last months of pregnancy. \* \* \* To derive the greatest benefit from its use, take a dose of proper size \* \* \* For Acute Pain—Pain in the Ovaries—Menstrual cramp, Headaches, etc., take a dose \* \* \* for a few doses until pain is relieved;" (carton) "A \* \* \* Treatment for Diseases Peculiar to the Female Sex \* \* \* It has proven of unsurpassed value in the treatment of Irregular, Obstructed, and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc;" (circular) "A Health-Builder for Women and Girls \* \* \* A \* \* \* Treatment for Diseases Peculiar to the Female Sex. Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are \* \* \* Nervine. Its tendency is to \* \* \* equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness, and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature. It has proven of unsurpassed value in the treatment of Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Leucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, Etc. \* \* \* Combined with some quick acting sedative, it will prevent threatened abortion. For ACUTE PAIN, Menstrual Cramp, Neuralgia of the Womb or Severe Pain in the Ovaries, Headache, Etc. take \* \* \* for a few doses until pain is relieved, then one dose three times a day until the trouble has been cured. For SEVERE HEADACHE, we have often seen a single dose \* \* \* relieve almost immediately. If the headache is from a nervous trouble, or from overwork, a dissipation, or worry, Womanette will quickly relieve it. Take a Dose at Bedtime if not accustomed to rest well. \* \* \* always gave \* \* \* prompt relief. \* \* \* We have seen it given \* \* \* with perfect results to a child \* \* \* which had a discharge similar to Leucorrhoea, brought on by a fall. \* \* \* Womanette is usually, in fact almost always, a quick relief for annoying symptoms of an acute nature, such as pain, etc. \* \* \* Womanette puts the forces of nature to work, assisting the natural processes, and being entirely corrective and curative in its effect, it goes directly to the seat of the trouble. Therefore, it is sometimes necessary to continue its use, even in acute cases, until the trouble can be brought under control. It must be remembered that Womanette is often called upon to handle cases which have lost all hope of getting well and in which the skill of the best physicians and the best there is in science for the treatment of disease have failed. Chronic, much run down conditions require that Womanette must be given with confidence and persistence until the de-



sired results are obtained. \* \* \* It is entirely possible for one to half take Womanette and only get half the benefit from it, or to take half enough and only get half well. \* \* \* its greatest worth is shown in the treatment of those chronic cases in which much more medicine may be required but in which its action is no less certain \* \* \* everything else having failed—in these Womanette is a never failing source of wonderment because of its wonderful successes. When everything else has failed then give Womanette a chance to prove its worth. Simply persist in its use until permanent results have been achieved. We have never known a failure when the medicine was continued long enough. \* \* \* Often the most prominent symptom may be the last to disappear. Irregularities, Leucorrhoea, Pain, Etc., are only symptoms of disease, not the disease itself, and only improve as the disease improves. Chronic inflammation, Swellings, Morbid Growths on Womb or Ovaries, etc., sometimes require continued treatment for some time, and while you cannot see the results with your eyes, the healing process is going on all the time you are taking Womanette. \* \* \* the average amount of medicine required will run between six and eighteen bottles, \* \* \* Truly cheap enough treatment when the fact is considered that Expert Knowledge of this kind can ordinarily be had only by consulting a Specialist \* \* \* If in full flesh and in a state of feverish excitement take Womanette according to directions and in addition the following may be given to advantage. To one-half glass of water add 5 to 10 drops of Norwood's Tincture of Veratrum and give one teaspoonful of the solution every one to two hours. \* \* \* these suggestions will be found helpful in making the effect of Womanette more quickly permanent. In Leucorrhoea or Whites, Inflammation or Ulceration of the Womb, Morbid Growths, Prolapsus (Falling of the Womb), Etc., the local application of Womanette on a soft sponge or a spledget of cotton to the Mouth of the Womb will be found highly beneficial. And while Womanette can usually be relied upon entirely without local treatment, ladies will find this of the greatest assistance in hastening a cure in these troubles \* \* \* Persistent following of these directions will relieve you of the necessity of an operation and restore a perfectly normal condition of health. \* \* \* Over-exertion \* \* \* should be avoided until Womanette has been given time to make you strong and well. \* \* \* It will not work against the natural processes of nature in any particular. \* \* \* Womanette clears the circulation and vitalizes the forces of nature \* \* \* If you take it according to directions it will not be many days before you will feel so much better;" (testimonials) "Grateful Expressions from Some of Those Who Have used Womanette. \* \* \* I had been suffering with such terrible headaches until I took Womanette \* \* \* I thought I was cured for a long time after taking the first bottle, but I occasionally have to take it yet. \* \* \* If you do not continue to take it long enough to cure yourself, go back to it if only to relieve present trouble. Many ladies resort to it to relieve immediate suffering who do not for reasons best known to themselves, take it at other times. \* \* \* many cases are reported to us of a single bottle curing \* \* \* we advise ladies who are in good health to keep Womanette on hand and cure themselves before they get sick. \* \* \* Don't get discouraged because the first bottle or two does not make you feel entirely well. It takes time to cure chronic troubles and if you have let your trouble run on until it has become chronic or it is of a more serious nature than you had supposed, just take Womanette according to the directions and be patient. It is entirely capable of taking care of your trouble \* \* \* For \* \* \* a whole year I was under treatment \* \* \* for an awful pain in my side \* \* \* I held out against the operation, for I do not believe in so many operations. Finally Womanette was recommended to me \* \* \* so I commenced to take it. \* \* \* By the time I had taken seven bottles I did not have any trouble at all apparently, so I quit the medicine. About a year later I had another attack and took several more bottles. Since that time I have had no return of the trouble. \* \* \* I can truly thank Womanette for saving me from the surgeon's knife. \* \* \* I was always in bed one day out of each month, and after taking six bottles of Womanette I never have a cramp or pain and can do my house work the same as at any other time \* \* \* I had spent some time in bed from a badly swollen ovary which made a knot in my side as large as a goose egg \* \* \* I had only taken four or five bottles before the pain was all gone and the swelling had entirely left my side. I have never felt better in my life. Womanette saved \* \* \* me my health \* \* \* When a woman has been saved the removal of an ovary she has something to



be proud of for no woman is ever entirely well after these organs have been removed. The removal of both ovaries is always attended by more or less disastrous results. Witness the many cases which so soon find their way into the insane hospitals, or are the victims of nervous troubles from which their only relief is found in the narcotics. The patient use of Womanette will eliminate the necessity for this operation in practically every instance. \* \* \* Womanette may seem a little slow to you, but the fact that it is certain should be sufficient reason for continuing its use until the trouble can be cleared up. \* \* \* I was in such a bad condition before I began taking Womanette I could hardly be up at all. I had terrible headaches all the time. Twelve bottles cured me entirely \* \* \* After you think you are well it is best not to discontinue the medicine too soon. \* \* \* Two of the leading physicians here told me I had Appendicitis and an operation would be necessary. One of them told me he was afraid I had kidney trouble and that he rather feared to undertake the operation. I took nine bottles of Womanette, and have now no symptoms of either Appendicitis or kidney trouble. \* \* \* Many so-called cases of Consumption, Appendicitis, and even Pellagra yield promptly to the alterative and tonic properties of Womanette—not because Womanette is a cure-all, but because the broken-down depleted conditions of the female constitution so many times so closely resemble the conditions present in these other troubles that the symptoms are often mistaken by even skilled physicians. Few women are ever operated upon if they learn the use of Womanette beforehand. \* \* \* I had fearful pains each month at my time. The flow at times was very scant, and I had a terrible complexion for my face was a mass of bumps and pimples. \* \* \* but nothing cured my pains or my bumps. \* \* \* I found that Womanette was building up my health so fast that I kept on taking that until I had taken about eighteen bottles. I gained in weight from 108 pounds to 135 \* \* \* My complexion was as smooth and clear as anybody's. Since that time I have had occasion to use Womanette \* \* \* once for Neuralgia \* \* \* It has never failed me."

Misbranding was alleged for the further reason that the declaration of 14 per cent alcohol, borne on the label, was false and misleading, since analysis showed 9.1 per cent of alcohol.

On February 1, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15803. Misbranding of original Dr. Musser's capsules, Dr. Musser's red capsules, and Dr. Musser's injection Rx. 500. U. S. v. 3 Packages of Original Dr. Musser's Red Capsules, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22313. I. S. Nos. 23606-x, 23607-x, 23608-x. S. No. 354.)**

On January 9, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 packages of original Dr. Musser's red capsules, 9 packages of Dr. Musser's red capsules, and 5 bottles of Dr. Musser's injection Rx. 500 at Fort Wayne, Ind., alleging that the articles had been shipped by the Musser-Reese Chemical Co., Pittsburgh, Pa., on or about November 7, 1927, and had been transported from the State of Pennsylvania into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the original Dr. Musser's capsules consisted essentially of volatile oils, including sautal and nutmeg oils and copaiba balsam, that Dr. Musser's red capsules consisted essentially of compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug, and that Dr. Musser's injection Rx 500 consisted essentially of a solution of boric acid and zinc sulphate in water, colored yellow with an artificial dye.

It was alleged in substance in the libel that the articles were misbranded in that the circular accompanying the said packages and bottles bore false and fraudulent statements regarding the said articles, and in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed in the said circulars.

On February 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15804. Misbranding of Norma. U. S. v. 21 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22203. S. No. 249.)**

On November 25, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 bottles of Norma at Newark, N. J., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about November 11, 1927; and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon and within the packages were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Blood Mechanism Regulator. Indicated in cases of discomfort caused by high blood pressure, deficient nerve nutrition, etc." (circular) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise."

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15805. Misbranding of Sen-Gen-Ma. U. S. v. 21 5/6 Dozen Bottles, et al., of Sen-Gen-Ma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22415, 22445. I. S. Nos. 17637-x, 17856-x. S. Nos. 511, 533.)**

On February 2 and February 10, 1928, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 5/6 dozen bottles and 8 dozen packages of Sen-Gen-Ma, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Nature Herb Co. Inc., from Seattle, Wash., in part December 2, 1927, and in part December 9, 1927, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a mixture of ground plant drugs, including senna, cascara, and gentian, with sodium bicarbonate.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed:

"Intestinal Cleanser," "Tonic Laxative," "Nature's Remedy for All Blood and Skin Disorders, Constipation, Dyspepsia, and Acting as a General Tonic to the Entire System," "For All Ailments of the Human Body, Including Constipation, Dyspepsia, Rheumatism, Asthma, Blood Purifier, Eczema and other Skin Diseases, Kidney, Bladder, and Liver Ailments. Take regularly until ailment is relieved. For children who have worms and are nervous and underweight, one quarter teaspoonful each night until desired results are produced."

On April 7, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15806. Misbranding of Norma. U. S. v. 5 2/3 Dozen Bottles, et al., of Norma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22198, 22429. S. Nos. 248, 531.)**

On or about November 25, 1927, and February 8, 1928, respectively, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 8 7/12 dozen bottles of Norma at Norfolk, Va., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., in part on or about September 10, 1927, and in part on or about January 31, 1928, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin and water, with a small amount of plant extractive material, and coloring matter. Pharmacological examination showed that it was not a vaso motor dilator.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label of portion of product) "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels;" (bottle label on remainder of product) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular, portion of product) "The function of Norma is to aid Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be the result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life, or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. NORMA, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness, and other discomforts and pains accompanying it. Those WHO KNOW THEY HAVE HIGH BLOOD PRESSURE. Thousands of persons have been told by insurance medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with NORMA which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness due to high blood pressure, and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief."

On May 16, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15807. Misbranding of Dr. Musser's red capsules and original Dr. Musser's capsules. U. S. v. 21 Boxes of Dr. Musser's Red Capsules, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22242, 22323, 22453. I. S. Nos. 15833-x, 15834-x. S. Nos. 280, 368, 555.)**

On December 2, 1927, February 11 and February 14, 1928, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 63 packages or boxes of Dr. Musser's red capsules and 67 packages or boxes of original Dr. Musser's capsules, in part at Cincinnati, Ohio, and in part at Columbus, Ohio, consigned by the Musser-Reese Chemical Co., in part from Latrobe, Pa., and in part from Pittsburgh, Pa., between the dates of September 1, 1927, and January 13, 1928, and had been transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and



strychnine, and an extract from a laxative drug plant, and that the original Dr. Musser's capsules consisted essentially of volatile oils, including santal and nutmeg oils, and copaiba balsam.

The Dr. Musser's red capsules were labeled in part: (Boxes) "Scientific remedy for all blood disorders;" (circular) "A modern and scientific remedy which thoroughly searches out all the impurities in the blood. \* \* \* Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples, and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite and helping the stomach and intestines to care for the food so that best nourishment results;" (circular accompanying portion of said red capsules) Help the \* \* \* kidneys to remove waste matter."

The original Dr. Musser's capsules were labeled in part: (Boxes) "Inflammation of kidneys and bladder relieved. If directions are followed will effect a permanent relief in every case;" (circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. \* \* \* Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety; yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender, and possibly some condition which further treatment would remove and prevent returns which is more severe and stubborn to cure than the original condition. It is often quite necessary to continue the treatment for two weeks after all trouble seems to be removed. We cannot impress too strongly the good effect of combining the use of Dr. Musser's Injection, Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money, and inconvenience saved."

The following statements appeared in the said circular, which was included in a shipment with a portion of the said red capsules, and referred to said red capsules: "Dr. Musser's Red Capsules. This item is the last addition to Dr. Musser's famous remedies. Impure blood not only adds to the danger of Venereal Infection, but plays an important part in retarding the cure and if a prompt and satisfactory cure cannot be had it is certain that the cause is impure blood. In any case during the course of the disease, or after, Red Capsules help the cure and put the system in condition to prevent return. We do not claim them as a cure for constitutional conditions, but do claim that they will relieve or at least keep the system in good condition. In ordinary cases of chancres, if burned with caustic, Red Capsules will do much toward preventing infection. Red Capsules are an elegant tonic, giving vim and energy, clearing the skin, and developing a natural appetite. All these tonic qualities do much to restore lost manhood."

It was alleged in the libels that the articles were misbranded in that the above quoted statements regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed.

Misbranding of a portion of the Dr. Musser's red capsules was alleged for the further reason that the statement, "Contains no harmful ingredients," on the container, and the statement, "Contain no harmful ingredients and will not injure the most delicate stomach," in the circular, were false and misleading. Misbranding of a portion of the original Dr. Musser's capsules was alleged for the further reason that the statement on the container, "Dr. Musser's Capsules contain no harmful or dangerous drugs. Will not injure the most delicate stomach," were false and misleading.

On February 13, April 17, and May 24, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15808. Misbranding of Salmormel or Sal-Normal. U. S. v. 87 Bottles, et al., of Salmormel or Sal-Normal. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22087, 22088, 22089. I. S. Nos. 12716-x, 13193-x, 13194-x, 13195-x. S. Nos. 126, 130, 133.)

On October 13, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on January 5, 1928, amended libels, praying seizure and condemnation of 360 bottles of Salmormel, or Sal-Normal, remaining in the original unbroken packages at Denver, Colo., consigned by the Physio-Chemical Laboratories, Inc., from Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce from Salt Lake City, Utah into the State of Colorado, in various consignments, on or about May 17, July 7, August 4, and August 8, 1927, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of this article by this department showed that it consisted essentially of compounds of sodium, potassium, calcium, and magnesium, including phosphates and carbonates and citric acid flavored with lemon oil.

It was alleged in the libels that the article was misbranded in that the following statements, "A systemic alkalizer \* \* \* Highly efficient in the treatment of Acidosis \* \* \* Vomiting of Pregnancy, Nephritis, Rheumatism, Diabetes, Fevers, and other Toxemias \* \* \* Assists materially to neutralize Uric acid, Diacetic acid, Indican, Acetone, and Beta-Oxybutyric acid \* \* \*," borne on the label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 19, 1928, the Physio-Chemical Laboratories, Inc., Salt Lake City, Utah, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$400, conditioned in part that it be relabeled and not be used or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15809. Adulteration and misbranding of sodium salicylate tablets. U. S. v. 49,500 Sodium Salicylate Tablets. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22414. I. S. No. 23958-x. S. No. 508.)

On or about February 3, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49,500 sodium salicylate tablets, remaining in the original unbroken packages at Muncie, Ind., alleging that the article had been shipped by the Shores-Mueller Co., from Cedar Rapids, Iowa, on or about January 10, 1928, and transported from the State of Iowa into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis by this department of a sample of the article showed that the tablets contained an average of 3.7 grains of sodium salicylate each.

It was alleged in the libel that the article was adulterated in that an analysis thereof showed said tablets to contain an average of 3.7 grains of sodium salicylate, and the strength thereof fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements on the label, "Sodium Salicylate \* \* \* 5 grains" and "Each Tablet Represents Sodium Salicylate 5 gr.," were false and misleading.

On February 18, 1928, the Shores-Mueller Co., Cedar Rapids, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product subject to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that they be remanufactured to bring them up to the declared strength.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15810. Misbranding of Pinkolo ointment. U. S. v. 20 Dozen Packages of Pinkolo Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22494. I. S. No. 20737-x. S. No. 610.)**

On March 8, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen packages of Pinkolo ointment, at Mayaguez, P. R., alleging that the article had been shipped by Gabriel J. Fajardo, of New York, N. Y., on or about April 30, 1926, to Porto Rico, and that it was being offered for sale and sold in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc oxide, mercuric oxide, and camphor in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements in Spanish borne on the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label, translation) "For the treatment of acute and chronic skin and scalp diseases. \* \* \* For eczema, psoriasis, pruritus of the anus, herpes, blepharitis, trachoma, chronic and syphilitic ulcers. For the treatment of acne, cystosis, pimples, scab, burns, alopecia, hemorrhoids. \* \* \* In severe and persistent cases \* \* \* For pruritus of the anus;" (tube label, translation) "For the treatment of diseases of the scalp and skin;" (circular, translation) "For the efficacious treatment of cutaneous inflammations, parasitic affections of the skin \* \* \* indolent ulcers, infected wounds, chancroids \* \* \* and for alleviating severe itching. \* \* \* Pinkolo possesses marked antiseptic properties which liberate the skin from infective germs and parasites. These are the causes of many external inflammations which lead to diseases of the skin. Pinkolo eliminates the cause—Pinkolo stimulates the tissues which have hardened up, renewing their activity, so that the hardened, reddish, and swelled parts, especially around old ulcers and chronic inflammations, return to their normal state. Pinkolo stimulates and revives the skin—Due to its alleviating action, Pinkolo softens and protects the affected parts thus hastening their healing. Pinkolo \* \* \* cures the skin. Pinkolo ointment is the indicated treatment for inflamed, scabby, hardened, or swelled skin; or whenever there are signs of infection \* \* \*. After washing the wound, ulcer, or other affection with recently boiled water, apply Pinkolo \* \* \*. For stimulating the cicatrization—In old ulcers and chronic affections of the skin \* \* \*. Special Use—Eczema—It heals up promptly with applications of Pinkolo \* \* \*. Pustules and Boils \* \* \* All bacterial infection \* \* \* For those cases, Pinkolo is the ideal ointment \* \* \*. Although Pinkolo is very active in its curative properties; old or chronic affections require an extensive and persistent treatment. Use Pinkolo Ointment from the start of the disease if further infirmities are to be avoided. Pinkolo Ointment has given good results in Guao infection and other poisonous plants \* \* \* anal or vulvar pruritus, syphilitic, varicose and other ulcers, \* \* \* use it twice a day until healing starts \* \* \* Pinkolo \* \* \* prevents the spreading of the disease. \* \* \* use it freely at the first sign of skin affection."

On or about April 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15811. Misbranding of compound Neovigor tablets. U. S. v. 93 Bottles of Compound Neovigor Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22495. I. S. No. 20736-x. S. No. 611.)**

On March 8, 1928, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 93 bottles of compound Neovigor tablets, at Ponce, P. R., alleging that the article had been shipped by the North American Drug Co., of New York, N. Y., on or about September 10, 1927, to Porto Rico, and that it was being offered for sale and sold in Porto Rico by Moscoso Hno. & Co., Ponce, P. R., and charging misbranding in violation of the food and drugs act as amended.



Analysis of a sample of the article by this department showed that it consisted essentially of sugar-coated pills containing chromium sulphate and phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label, translation) "'Neovigor' \* \* \* Neurasthenia, general debility, rickets, lack of vigor, physical exhaustion, weakness, convalescence, cerebrum and nerves;" (bottle label) "'Neovigor'"; (circular, translation). "'Neovigor' \* \* \* For invigorating the cerebrum and nerves; neurasthenia; general debility; sexual debility; weakness and convalescence. 'Neovigor' and the Nervous System— \* \* \* man \* \* \* has given way to certain diseases which are the result of the excessive rapidity and constant agitation which modern necessities have imposed upon him. Among the most notable and most common is Neurasthenia. Neurasthenia is the result of nervous exhaustion and cerebral debility which manifests itself by a state of melancholy which eventually affects the entire system. In treating neurasthenia, it is necessary to invigorate the nerves and fortify the cerebrum by means of a remedy that may be able to restore the lost energy and that would give new strength and vigor to the organism. Compound 'Neovigor' is a revitalizing tonic which affords the necessary elements in fortifying the cerebrum and nerves and a powerful agent in treating neurasthenia. General Debility—General debility is a state of exhaustion of all the organic forces. When the organism is weak, it is in a position to contract any disease, because of the lack of sufficient vigor by the body to repel the attacks of the germs. Mental exhaustion, fatigue from hard work and study, excesses, preoccupations, etc., are generally the cause of general debility. Persons desiring to keep up their health should take a reconstituent tonic on time, thus helping to save their energies; but as a rule they wait too long to do it. Neovigor is an excellent nutritive tonic for the nervous system and checking general debility in all its forms. It fortifies the cerebrum and provides a restful sleep, instead of the restless sleep so common in persons suffering from nervous debility. Neovigor is a powerful reconstituent. It strengthens up weak persons and produces new energies and vigor. Sexual Debility—The lack of virility makes a man miserable and disgraceful. One of the most common signs of sexual debility or nervous exhaustion is spermatorrhea or nocturnal emissions, which if overlooked by the patient, eats up the vitality of the body, thus producing the general exhaustion of the cerebrum and nervous system. A healthful and virile man always leads and wins—he has energies and vigor. A man without vigor is like a dead plant; he has neither happiness nor ambitions. The lack of virility may also be due to other causes, such as excesses during younger days, alcoholic excesses, organic waste, etc. Neovigor fortifies the nervous system, nourishes the system and aids in recovering the lost energies, virility, and strength. Diseases of Women—Neovigor exercises a powerful influence in correcting the functional and constitutional ailments of women. It exercises a special tonic action over the nervous system, and it is indicated in cases of menstrual irregularities, leucorrhea or whites, hysteria, pains in the back and groin, and in many other analogous cases when these irregularities are due to nervous disorders. The majority of the diseases of women are of a chronic nature, the principal causes of these ailments being due to general debility and nervous exhaustion. Nature has provided that the monthly period, in normal cases, should take place every twenty eight days, therefore, when it is painful and irregular, it indicates some kind of trouble in the system. Women suffering from painful menstruation, will always be in a state of nervousness and ill humor and will be easily vexed. They are the victims of migraine and hysteria. Leucorrhea or whites is one of the most common symptoms of menstrual irregularity, due to the incapacity of the nerves to stimulate the secretion of the ovaries; it may also be due to inflammation or congestion of the womb or the vagina. There are many other causes, such as general debility, excessive mental work, lack of cleanliness, pregnancy, abortion, carelessness during parturition, excesses, and others. Generally, leucorrhea follows all the disorders of the genital organs which weaken and overturn the nervous system. Thin Persons—Neovigor is an excellent tonic for thin persons. Convalescents, anemics and all infirm, weak, and rachitic persons will find that Compound Neovigor will be of great value to them for recovering their strength and health. \* \* \* The formula of Neovigor com-

prises \* \* \* ingredients scientifically combined to insure an ideal remedy for fortifying the cerebrum and nerves. It is a nervine food \* \* \*. When some improvement is shown, the night dose may be omitted."

On or about April 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**15812. Misbranding of Ferrasal. U. S. v. 10 Gross of Drugs Labeled in Part Ferrasal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22737. I. S. No. 24457-x. S. No. 738.)**

On May 2, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 gross of drugs labeled in part "Ferrasal," remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Texas, on or about March 6, 1928, and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium carbonate, sodium bicarbonate, an iron compound, and starch, flavored with mint and colored pink.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Acute Indigestion, Headaches, \* \* \* Dysentery, and Bowel Complaints in adults or children. Ferrasal gives quick relief \* \* \* For Chronic Indigestion, Constipation, Kidney and Bladder Trouble \* \* \* Dizziness, Bumpy Face, and Dull Headache resulting from acid poisons. Ferrasal will give relief if taken according to directions. Ferrasal \* \* \* strikes at the source of the numerous health troubles caused by an over-accumulation of acid poisons in the system and blood. \* \* \* 'The Sign of Good Health' \* \* \* Stops Indigestion Now! For Stomach, Liver, and Kidneys \* \* \* For Acute Indigestion take \* \* \* Repeat hourly until relieved. For severe or Chronic Indigestion \* \* \* Also take \* \* \* after any meal that fails to assimilate properly. \* \* \* In cases of Dysentery, Bowel Complaint, and Ptomaine Poisoning call your Physician and take \* \* \* immediately. \* \* \* Then take \* \* \* until the condition is corrected. For Chronic Acid Conditions—Colon Trouble, Blood Disorders, Rheumatism, Kidney and Bladder Troubles, etc., \* \* \* Take regularly until condition has become normal. In severe cases \* \* \* Ferrasal is absolutely harmless \* \* \* healing \* \* \* If baby \* \* \* spits up food give \* \* \* Ferrasal."

On May 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**15813. Misbranding of 999 nerve tonic, Prescription 999 and Prescription 999 astringent wash. U. S. v. 11 Boxes of 999 Nerve Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22362, 22364. I. S. Nos. 23479-x to 23482-x, incl. S. Nos. 363, 364.)**

On January 10, 1928, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 14 boxes of 999 nerve tonic, 5 boxes of Prescription 999, and 5 boxes of Prescription 999 astringent wash, in part at Milwaukee, Wis., and in part at Manitowoc, Wis., alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., in part October 31, 1927, and in part November 5, 1927, and transported from the State of Pennsylvania into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of plant drugs including nux vomica and damiana, that Prescription 999 consisted essentially of volatile oils, including nutmeg, santal, and cubeb oils, copaiba balsam, and a fatty oil, and that Prescription 999 astringent wash con-



sisted essentially of boric acid, magnesium sulphate, and a trace of coal tar color.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the therapeutic or curative effects of the said articles were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Nerve tonic, box label) "The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (Prescription 999, box label) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubebs, copaiba and other valuable vegetable oils which are known to give the best results in treating the disease for which this medicine is intended \* \* \* After all signs of the disease have disappeared;" (Prescription 999 astringent wash, carton label) "To be used in conjunction with 999 Capsules. For kidney and bladder disorders, as a wash for irritated membranes."

On March 6, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*,

**15814. Misbranding of California fig-nuts agar. U. S. v. 5 Dozen Packages of California Fig-Nuts Agar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22795. I. S. No. 22164-x. S. No. 829.)**

On May 31, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of California fig-nuts agar, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the West Side Warehouse, from Chicago, Ill., on or about April 27, 1928, and transported from the State of Illinois into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a baked and crumbled cereal product containing bran, wheat, and traces of figs, nuts, and agar.

It was alleged in the libel that the article was misbranded in that the following statements, (package label) "A Scientific Health Food \* \* \* A Natural Corrective for Constipation California Fig-Nuts Agar \* \* \* This food is recommended by leading physicians for those who are troubled with long standing chronic constipation \* \* \* lubricating the walls of the intestines, increasing the peristaltic action, and carrying this moisture to the lower bowel, softening the stool, furnishes a very easy, thorough cleansing. Unlike a purgative, cathartic, or other artificial means there is no tendency to weaken or irritate, the results are soothing and effective. \* \* \* It is considered an excellent diet for diabetics when used on the advice of a physician. \* \* \* In obstinate cases of Chronic Constipation, four tablespoonfuls twice a day until desired effect; then reduce to once a day," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged for the further reason that the following statements, (package label) "California Fig-Nuts Agar \* \* \* California Fig-Nut Cereal \* \* \* Fig-Nuts with Agar \* \* \* Fig-Nuts Agar is semi-digested. It \* \* \* is thoroughly digested in 60 minutes. \* \* \*," (wrapper of case) "Agar Fig-Nuts," were false and misleading.

On June 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**15815. Misbranding of California fig-nuts agar. U. S. v. 5 Cases of California Fig-Nuts Agar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22775. I. S. No. 22153-x. S. No. 752.)**

On May 17, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of California fig-nuts agar, remaining in the original



unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Fig-Nut Company, Inc., from Orange, Calif., on or about March 6, 1928, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the following statements, (package label) "A scientific Health Food \* \* \* A Natural Corrective for Constipation California Fig-Nuts Agar \* \* \* This food is recommended by leading physicians for those who are troubled with long standing chronic constipation, \* \* \* lubricating the walls of the intestines, increasing peristaltic action, and carrying this moisture to the lower bowel, softening the stool, furnishes a very easy, thorough cleansing. Unlike a purgative, cathartic, or other artificial means there is no tendency to weaken or irritate, the results are soothing and effective. \* \* \* It is considered an excellent diet for diabetics when used on the advice of a physician. \* \* \* In obstinate cases of Chronic Constipation, four tablespoonfuls twice a day until desired effect, then reduce to once a day," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged for the further reason that the following statements, (package label) "California Fig-Nuts Agar \* \* \* California Fig-Nut Cereal Natural Laxative A Scientific Health Food Naturally Laxative \* \* \* Fig-Nuts Agar is \* \* \* semi-digested. It \* \* \* is thoroughly digested in 60 minutes," were false and misleading.

On June 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15816. Misbranding of Brooten's kelp ore and Brooten's kelp ore liquid.**  
**U. S. v. 3 Dozen Large Size Packages of Brooten's Kelp Ore, et al.**  
**Default decrees of condemnation, forfeiture, and destruction.**  
 (F. & D. Nos. 22640, 22736. I. S. Nos. 17482-x, 17483-x, 17485-x, 17486-x, 17498-x, 17500-x. S. Nos. 680, 779.)

On March 20 and May 2, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 dozen large size packages and 14 dozen small size packages of Brooten's kelp ore, and 4 dozen bottles of Brooten's kelp ore liquid, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by W. H. Brooten & Sons, Inc., in part from Cloverdale, Ore., on or about February 1, 1928, and in part from Portland, Ore., on or about March 8, 1928, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of these articles by this department showed that Brooten's kelp ore consisted essentially of a bituminous shale containing water-soluble salts, including iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, a trace of sulphur and free sulphuric acid, and that Brooten's kelp ore liquid consisted essentially of a water solution of iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, and free sulphuric acid.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet, large size) "As ozone is one of the most useful elements to all life its presence, through liberation, in Kelp Ore gives this substance an added beneficial effect in Kelp Ore \* \* \* treatments. \* \* \* I have elaborated on the qualities and character of ozone because I feel that this element is so vital a factor in all Kelp Ore treatments. The long slow oxidation of the ore during the curing process in some manner prepares it for the quick and rich liberation of ozone;" (circular, small size) "The wonderful, natural food, adding to the blood stream the life giving tissue foods and salts required, oxidizing and ironizing the carbohydrates, \* \* \* neutralizing the excess acids and making possible their assimilation by the body cells and tissues."

Misbranding was alleged for the further reason that the following statements borne on the labeling, regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Book-

let, large size) "The following are a few of the many testimonials on file in my office, given to me voluntarily by many patients and patrons who have obtained relief through the use of Kelp Ore for the various constitutional ailments from which they were suffering. Some of these have been restored to health by using the ore water or solution. 'Mr. A. B. Rice, of Wenatchee, Washington, had sugar diabetes and could not eat anything but walnuts. He was waiting for the last hour to come and was a burden to his family and a misery to himself. He heard of Brooten's Kelp Ore and began to drink very strong solutions of it. He began to get better health from the first day. He gained in weight and in two months could take up his work as engineer on a steamboat. He now enjoys the best of health;' 'In answer to your letter of the 27th ultimo in which you ask for the history of my thumb, which I cured with Kelp Ore treatment: Can say that while sailing on the North Sea in the winter of 1870 was caught in a severe storm. Several of the crew and myself included were badly frozen. With the exception of my thumb I came out all right, but this member did not seem able to heal. It would form a new skin, only to start inflammation underneath the skin and break out again. It was therefore necessary to keep it in a bandage all the time. In 1874 I went to a specialist in London, England, who performed an operation on it, but to no avail. Since that time I went to so many doctors that they are really too numerous to mention. In 1908 my brother sent me some Kelp Ore with instructions how to use it, and in three weeks my thumb was entirely healed. This thumb had been bandaged every day for 38 years and I had very little hope left ever to cure it. I must therefore confess that I think this result remarkable. Shortly after this my neighbor, Mr. Tabor, who had been in Seattle to consult a specialist in regard to an infected sore he had on his cheek and which he had then had for two years, came back without results. I took him over some Kelp Ore to try which he did, and in a very short time it healed over and he is now entirely well;' 'I was suffering with a bladder ailment. I cannot find words to describe the terrible pain which I endured all the time. After using H. H. Brooten's Kelp Ore to drink and also to irrigate the bladder the pain left and now I am a different woman;' 'Among other things, the undersigned in a letter to Mr. Brooten says: still I can truthfully say that the mineral is the best blood builder I ever saw and I believe your treatment with the mineral did more for me than all the doctor's medicine, and no doubt saved my life last summer. I also think your treatment cured the goiter;' 'I wish to tell many about H. H. Brooten's Kelp Ore so that others may be helped if they have the same misfortune I had. While I was cooking over a hot stove my arm was burned badly. I did not pay much attention to it and must have got poisoning. My arm started to swell up and began to pain. A red streak began to come up my arm, my fever was 104, and blood poison had started in. I took two pounds of Kelp Ore, put it in a wash dish of cold water, and bathed my arm in that solution for five hours. Sometimes I put the dish out of doors so that the solution would get cold. My fever went down to normal and I had no more pain and took up my work the next day;' 'In 1921, I was taken sick and our family physician was called. He pronounced my case sugar diabetes of the worst form. I was in bed for several weeks without getting much or any relief. I was advised to use H. H. Brooten's Kelp Ore. The first dose started me on a better way, and in less than one week I was out of bed;' 'I was suffering with a sore leg for many years. Sometimes it would swell up double in size and at times would break out in big sores and would burn like fire and many hard lumps started from my groin down to my knee, and I felt I was going to my end pretty fast. I tried all kinds of salve and liniment and doctors, but it only got worse. I heard of H. H. Brooten. After my stomach was healed, my leg and the lumps in my groin healed too, and now I am enjoying the best of health;' 'I wish to express my thanks to H. H. Brooten for his discovery. I was suffering from sugar diabetes and was almost blind from cataracts on my eyes. These symptoms disappeared in 12 days. My health is now good;' 'I wish to say a few words in praise of Brooten's Kelp Ore, as I can heartily recommend it for skin diseases. I had an infection on my face for years and it continued to spread and become more deeply seated. I tried Brooten's Kelp Ore and it healed like magic in a very short time and never returned;' 'About fourteen years ago I was taken sick and found the cause to be sugar diabetes. I was treated by the best doctors in our locality (Hood River, Ore.), also specialists in Portland, Ore., but to no benefit, until about five years ago I learned of H. H. Brooten's Kelp Ore. At that time my toes were sloughing and I lost every one



of my toe nails and it looked as if my toes would come off. I was unable to walk or sit up and was eating hardly anything. I got some of H. H. Brooten's Kelp Ore and began taking it and putting it on my feet, and in two weeks they were healed; 'I had been suffering with fever as long as I can remember. When the fever would start my body would get sore and tender and boils would start at once and go away in a few weeks, but each time the fever would stay a little longer. At last an open sore on my leg had appeared and I could figure my time on this earth was not in years but only a few months. I shall be very thankful to the one that gave me the advice to try H. H. Brooten's wonderful remedy, and I can not express my feelings in words. I have taken treatment for three months and the fever is out of my blood and I have no boils. The sore on my leg is healed and I am in perfect health. I have gained 32 pounds in weight;' For mild afflictions \* \* \* Persons who have \* \* \* used the ore at home find that the best results have been obtained by taking the extract or solution as indicated below: Stomach Troubles; \* \* \* Hardening of the arteries and high blood pressure \* \* \* Diabetes Militus (Sugar Diabetes) \* \* \* Diabetes Insiptidus \* \* \* If used as a poultice for pneumonia, colds, fever \* \* \* We find that bran and graham bread used with meats that are fat, eaten in connection with the Kelp Ore extract drinks, prevent hyperacidity, keep the stomach on a proper alkaline base and lead to better health;" (booklet, portion of large size) "When Mr. Brooten had gone in his dream a considerable distance \* \* \* he found the place alive with people all converging toward him. \* \* \* He saw that they were ghastly pale. Some were weak and emaciated and could scarcely stand. Some hobbled on crutches. Despite their infirmities \* \* \* they were asking him for help. \* \* \* his search was finally rewarded by the discovery of Kelp Ore. \* \* \* many of the grateful, restored to health by Kelp Ore \* \* \* mixed it with bran, grain, and fodder and fed it to his cattle when any of them sickened and found that they immediately recovered. It became the family medicine, a cure-all for everything; and, always, it worked;" (circular, small size) "The Wonder Mineral, Nature's Health Gift \* \* \* This remarkable combination of chemical essentials \* \* \* is being used and recommended by thousands of sufferers from digestive, skin, and constitutional diseases. \* \* \* The thing called disease is a lacking one or more of the constituents of the blood to that particular part affected. So said a famous physician. The medicine of the future will be that element or combination of elements tending to preserve and increase the vitality and health of the well rather than the present day treatment and effort to cure the ailing. Nature has provided many safeguards for the benefit of the careless liver, and having in mind this necessity, has combined in this wonderful product, Kelp Ore, many of the elements required in the rebuilding of famished and broken down tissues. \* \* \* For years it has been the desire and ambition of Mr. Brooten that his wonderful discovery be made available to the thousands of sufferers \* \* \* Brooten's Kelp Ore is proving of inestimable value in hundreds of cases where the digestive and eliminative organs are at fault; applied locally as an antiseptic it is unexcelled. \* \* \* I had been suffering for months with a badly ulcerated stomach, and had about decided that an operation was necessary to bring relief. A friend of mine suggested that I try Brooten's Kelp Ore, which I did and the results have been most gratifying. Pain and after eating distress have been entirely eliminated. I am back to normal weight, in fine spirits, and can eat anything I want without fear of distress. \* \* \* I had been suffering with Sugar Diabetes for about ten years when I learned of H. H. Brooten's Kelp Ore. My toes were sloughing. I had lost all my toe nails and it looked as if my toes would all come off. I was unable to walk or sit up and was eating very little. Two weeks after using Kelp Ore and putting it on my feet, my feet were healed \* \* \*, Sufferers from Diabetes, Rheumatic and Renal conditions are especially warned that proper dietetic rules must be followed. Brooten's Kelp Ore is not a physic but is corrective in its action; the users soon find that its continued use will bring about a most satisfactory condition of the system and eliminative organs;" (kelp ore liquid, display card) "Real remedy for Stomach troubles \* \* \* The Wonder Mineral. Let the many people who have found relief from Stomach, Kidney, and other organic troubles tell you what Kelp Ore has done for them;" (kelp ore liquid, display card) "Nature's Health Gift \* \* \* An Exceptional Remedy;" (containers, all products) "The Wonder Mineral \* \* \* Nature's Health Gift from the Sea \* \* \* Kelp, of itself, contains many valuable medicinal properties, \* \* \* preserving the wonderful values."



On April 17, 1928, and June 18, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**15817. Misbranding of Mentho-Kreoamo. U. S. v. 11 Dozen Large Bottles, et al., of Mentho-Kreoamo. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22649, 22727. I. S. Nos. 18864-x, 19766-x. S. Nos. 676, 704.)

On March 22, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen large bottles and 3 dozen small bottles of Mentho-Kreoamo, remaining in the original unbroken packages at Indianapolis, Ind., and on or about April 30, 1928, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 bottles of Mentho-Kreoamo, remaining in the original unbroken packages at Terre Haute, Ind. It was alleged in the libels that the article had been shipped by the Mentho-Kreoamo Co., Clinton, Ill., in two consignments, or on about December 2, 1927, and February 11, 1928, respectively, and had been transported from the State of Illinois into the State of Indiana, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, wood tar, creosote, a trace of menthol sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Indicated in Flu, Pneumonia, LaGrippe, Bronchitis, Obstinate Coughs, Colds, Whooping Cough, and Cough, or Bronchial Irritation Associated with Tuberculosis \* \* \* When fever is reduced and desired results are obtained \* \* \* in emergency cases \* \* \* For acute or severe conditions where M-K is indicated—double doses may be taken until temperature is reduced to normal, \* \* \* M-K may be successfully used in treating chronic or obstinate coughs due to prolonged attacks of Flu, La Grippe, or Pneumonia infections with evening temperature Tubercular in character. \* \* \* Colds may be aborted or broken in one night by taking M-K in double doses same day the cold was contracted—thereby often saving many days of discomfort and expense;" (circular accompanying small size packages) "Indicated in Coughs and Colds, Flu, Bronchitis, Whooping Cough, Pneumonia, Obstinate Deep-seated Coughs, frequently associated with Tuberculosis. \* \* \* Thought his End was Near. My occupation is that of miner. The dust and exposure caused me to contract what doctors called bronchial asthma. I coughed constantly, my heart was very bad, so that the lightest exercise caused discomfort. My breath was short and wheezy and the contraction of a slight cold brought on those awful attacks, I could not work. This lasted for eighteen months during eight weeks of which I was a terrible sufferer and really thought my end was near. The doctors \* \* \* had given me up when my brother-in-law advised me to take Mentho-Kreoamo, or as he called it, M-K. I began to improve right away, regained lost weight, my heart ceased to bother me so now I feel like a different man;" "Gave immediate Relief. M-K was recommended to me by a friend at a time when I was suffering from severe colds. It gave me immediate relief and with its use I have been free from serious colds for the past two winters;" "M-K Performed a Miracle. It was while I was being treated for a bad sore on my hand in the spring of 1927, that I contracted pneumonia. I caught a cold sitting in a draughty doorway, and my lungs clogged up in a hurry with severe pain, high fever, and terrible coughing. They gave me M-K and the pain and fever left me the third day. My recovery was steady from then on. My age is 84, and I know that I was an awful sick man. M-K performed a miracle for me, so everybody says;" "One of our children had high fever and pain in the side \* \* \* M-K \* \* \* we gave her \* \* \* in two days she was up and well again;" "M-K helps in Every Case \* \* \* Protection and Comfort for the Entire Family \* \* \* The M-K Family Group a Reliable Safeguard Coughs and Colds \* \* \* whatever degree of seriousness you seem to recog-

nize, DON'T \* \* \* neglect a cold. Whether child or adult, a few doses of M-K taken as directed on the label, will usually break a common cold in less than twenty-four hours; "Bronchitis. It is when that cold reaches down into the bronchial tubes that it is becoming dangerous. Get after it promptly with Mentho-Kreoamo. \* \* \* Watch it—Stop it. M-K is the remedy. Just a few doses, ordinarily two or three days treatment and sensible precautions about rest and nourishment are all that is needed. Flu or Grip. An attack of Flu or Grip is serious—one is sick \* \* \*. Both sexes are susceptible and no age is exempt. \* \* \* The liability to complications is what makes Flu so dangerous. \* \* \* An attack on the heart is common and frequently fatal. \* \* \* The kidneys are often involved to a degree that becomes chronic. But by far the most common and most dangerous threat with an attack of Flu is Pneumonia. Therefore we say, and say emphatically—Don't trifle with the Flu. Go to bed and take Mentho-Kreoamo (M-K). Pneumonia. This is the dread reaper of human life properly feared by all. Next to tuberculosis, pneumonia has to its credit a higher percentage of fatalities than any other disease \* \* \*. In severe cases of pneumonia delirium is rarely absent. \* \* \* Minutes are precious and there should be no hesitation in administering M-K. If the case seems extremely serious the dosage may be safely increased \* \* \* the use of M-K can and should be continued with or without the attending physician's consent \* \* \*. Patient must be fed sparingly and Mentho-Kreoamo given until temperature is back to normal and lungs are cleared. \* \* \* The doctor who discovered Mentho-Kreoamo, well known and successful in the State of Illinois, has not lost a case of Pneumonia by death in twelve years. Whooping Cough. \* \* \* the parent who always goes after a child's cold promptly by administering M-K, will be doing the proper thing, the best thing possible, should the whoop finally appear. \* \* \* Mentho-Kreoamo administered promptly upon the first manifestation and the treatment kept up as directed usually has the effect of shortening the running period and lessening the severity of the coughing and vomiting. Cases have come under our observation where the coughing and vomiting were stopped with pleasing promptness and the spasm like climaxes of whooping checked. The effects of M-K in whooping cough are always sufficiently satisfying to encourage its early and continued use. \* \* \* Especially good for Colds;" "I am subject to colds and bronchial trouble in bad weather and after taking one bottle I am relieved. It sure is a great medicine for lung and bronchial trouble;" "Recovered fast from Double Pneumonia. At twenty-two months my son, Edwin Earl, caught a hard deep cold. In the evening his fever came up very high, and he was in such pain that he cried out constantly. Our family doctor said the child had double pneumonia and told me to give it Mentho-Kreoamo as directed. He was all but unconscious when I gave him the first dose at 9 o'clock in the morning, and every two hours after that. There was an immediate improvement so that by 4 o'clock the afternoon of the same day he was sitting up. He got well very fast, and within four days he was fully recovered. \* \* \* Children are so easy to take colds and coughs. These seem to be daily emergencies where there are children, but I keep mine well with M-K;" "Owes His Life to M-K. \* \* \* Late in the Fall of 1926 I took a severe cold, which, despite all efforts to check it, quickly developed into Bronchitis. After trying various remedies, without obtaining any relief, I became alarmed over my condition, as I was steadily growing worse, when I was finally persuaded to try M-K as a last resort. I immediately began its use, and after the first few doses, began to get relief. I continued taking it until I had taken four bottles, when I felt myself cured. I believe I owe my life to your great medicine, through God's blessing, as I was confined to my bed for almost five months in the winter of 1926-1927. I can not praise M-K too highly and know from experience that it is a certain remedy for bronchitis and kindred afflictions \* \* \*. It is equally valuable as a 'preventative' as well as a 'cure' for colds and incident maladies;" "M-K Saved my Life. I know that M-K saved my life. My health began to fail nine years ago. I lost weight steadily, going down to 73 pounds and started coughing. My condition in 1920 was very bad. I had chills every day with fever and night sweats so my clothing would be wringing wet. The stuff I spit up was terrible. For four months I could not rest in bed and was so weak my husband had to lift me around. The doctors said my trouble was tuberculosis. Friends advised me to try M-K which I did. This was in 1923. I improved from the start and before I had finished the sixth bottle the fever had left and the chills and sweats stopped.



Three abscesses which I had on my lungs cleared and I coughed up lots of pus. \* \* \* I have not had a sign of trouble for three years, and considering my age of 54, am strong as a horse. As my mother, grandmother, and aunt all died of tuberculosis, I feel I am lucky to be alive. I know I am right in recommending M-K to all who may have the same sickness;" "Successful in Attacks of Flu. For breaking up colds and coughs it can't be beat. A fresh cold can be knocked out in less than a day. We have used it successfully in attacks of Flu and Grip as well as hoarse, deep seated bronchial coughs. Taken as directed for diseases for which it is recommended M-K has proved a most wonderful medicine in this section. \* \* \* M-K is a wonder. \* \* \* Many times it has been the means of saving the lives of our children \* \* \* Recently, our daughter, Iola, was taken terribly sick with awful chills, severe pains, and by evening her fever was 103. We called the family doctor, who pronounced it pneumonia and advised us to give it Mentho-Kreoamo, as he knew nothing better. We did this, and in twenty-four hours the little one was up and on the road to mend. \* \* \* It seems as if children are constantly catching cold. No matter how slight, we never take chances but go for the bottle of M-K. It never fails when given in time to break up a cold over night. It is also fine for coughs, bronchial troubles, whooping cough, and all such sickness;" "Send Friends M-K When Threatened with Pneumonia. \* \* \* M-K will prevent or break up that dread disease, pneumonia. When my friends are threatened with pneumonia, I send them M-K. When I learn of deaths from that scourge of humanity, I regret the victim did not know of this great specific;" "Good to Build up Health. \* \* \* It is a wonderful help to all who use it, as it gives satisfaction to every user to build up health;" (circular accompanying large size package) "Astounds Physicians by amazing cures in dangerous cases. \* \* \* used M-K for over 12 years in his regular practice, with wonderful results in treating Coughs, Colds, Pneumonia, Influenza, Grippe, Bronchitis. During that time he lost not a single case of this character. M-K is extremely effective in the treatment of coughs and bronchitis associated with tuberculosis. It has proved to be a safe and absolutely reliable remedy for the treatment of pneumonia and weak or affected lungs. \* \* \* use it at the first sign of a cold, cough, or kindred ailment. It is the 'ounce of prevention' when taken early; and the 'pound of cure' in extremity;" "4-Year-Old Cough Stopped. This is to certify that 4 years ago I contracted a cough which gradually grew worse. I had pains in my lungs, evening temperature, and started to have night sweats. I coughed day and night with hardly a moment's rest, losing weight almost daily. From my symptoms and my family history, I felt certain I had tuberculosis. My grandfather, mother, aunt, and sister all died from this disease. On September 2, 1922, I started taking M-K (Mentho-Kreoamo) and in a very short time the above symptoms disappeared. I am now in good health, and weigh more than I ever did;" "6 Bottles of M-K Vanquishes 2-year cough. To Whom It May Concern: About two years ago, I was taken with a cough which seemed to gradually extend to my lungs. I had evening temperature and night sweats and several hemorrhages. Soon after this I was advised to take M-K (Mentho-Kreoamo), and a decided improvement followed immediately. I have now taken six bottles and my cough has disappeared, and the fever and night sweats are gone. I have gained twelve pounds in weight, and believe M-K relieved me of tuberculosis. I most heartily recommend it to all sufferers;" "M-K Breaks up Cold in 4 Hours. \* \* \* After taking a severe cold \* \* \* a friend of mine recommended M-K (Mentho-Kreoamo). I bought a bottle the next day, and took \* \* \* and by noon my cold had loosened up and my headache and fever were gone. I did not lose a minutes time from work when previous severe colds had caused me to go to bed;" "Relieved in 12 Hours. What to do when you have a severe cold on your chest—was a question that confronted me a few days ago. I couldn't talk above a whisper. A friend of mine told me M-K (Mentho-Kreoamo) would bring relief. \* \* \* After following directions on the bottle for twelve hours, I was relieved. I will recommend M-K to anyone who has a severe cold. It does produce quick results;" "I had a very bad cold which a few doses of M-K (Mentho-Kreoamo) soon relieved \* \* \* a good remedy for colds;" "M-K Saves Baby's Life \* \* \* my infant son, Donald, five weeks old was taken with a severe cold which developed into bronchial pneumonia. He was under the care of two physicians \* \* \* one of them told us they could do nothing more for him \* \* \* We then called another physician who recommended M-K and at 10 o'clock that night, we gave the baby 25 drops of (M-K Mentho-Kreoamo) and repeated every two hours. The next morning he showed marked improvement and three days later was said to be out of danger;" "Miraculous



Recovery by M-K. \* \* \* a physician \* \* \* pronounced my case double pneumonia. I immediately wired the Mentho-Kreoamo Company, Clinton, Illinois, to send me a bottle of M-K. When it arrived, I began taking it and felt relief in a few hours. Within a couple of days my fever was gone, and by the end of the week I was up and around the house. My physician said my recovery was miraculous and I believe it saved my life;" "M-K Cures Farmer of 'Flu,' \* \* \* I had the 'flu,' which, according to the doctor, developed into pneumonia. My temperature was 104. \* \* \* Our physician prescribed Mentho-Kreoamo, and in 20 hours after I had taken the first dose, my temperature was normal and I quickly recovered;" "I was stricken with pneumonia. My physician prescribed M-K (Mentho-Kreoamo)—in five days I was up and around. \* \* \* I was again stricken with pneumonia, and M-K again did the work. On January 31, 1923, I had another attack and on February 3, I was on my way to recovery, due to the prompt action of M-K \* \* \* can heartily recommend M-K to anyone who dreads 'flu' or pneumonia;" "My son, seven years old, contracted pneumonia. The attending physician prescribed M-K. After the second dose, there appeared to be decided improvement, and my son rapidly recovered without any of the bad effects generally left from double pneumonia;" "Preventative as Well as Cure \* \* \* I find this preparation to be the best and most effective remedy I have ever used. It is as valuable as a preventative as it is a remedy in breaking up stubborn colds. I gave M-K to my wife, who was diagnosed as having tonsillitis, bronchitis, and laryngitis at one and the same time; these conditions were relieved in a few days treatment;" "Two doses Relieved Cold \* \* \* About a week ago I contracted a severe cold, my head and ears were so sore I could scarcely bear to touch them, I was miserable and getting worse all the time as this cold was going to my lungs. A friend recommended M-K (Mentho-Kreoamo) and told me what a wonderful medicine it was for colds. \* \* \* I had only taken two doses when I was entirely relieved. I can heartily recommend this medicine to anyone for any kind of a cold or irritation of the lungs;" "I took sick with a chill the day before our little boy Billy was born and it developed into pneumonia. My temperature was 103½. I can't describe how bad I felt. I started taking M-K every two hours, and in 24 hours I felt as good as I ever did, and was up and around as usual under those conditions;" "We want every person who regards the protection of health as a paramount factor of life to know that M-K (Mentho-Kreoamo) is a reliable time-tested remedy available for use in the treatment of La Grippe, Bronchitis, Flu, Pneumonia, the cough and bronchial trouble associated with Tuberculosis, Common Colds, Obstinate Coughs, and Whooping Cough. \* \* \* the wonderful remedy which has been used for more than 12 years by a central Illinois physician in successfully treating Pneumonia without the loss of a single life;" "M-K has been a God-send in hundreds of cases of Colds, Flu, Pneumonia, and Bronchitis. It has been used with almost miraculous results in private practice by the man who perfected it. Its beneficial effects are quick, positive, and permanent. It has been used successfully in the treatment of cases where the utmost skill of the physicians has availed nothing;" "I was taken down with pneumonia. My right side being crippled from birth, I was afraid of serious results, but M-K did the work easily;" "My mother, who was 76 years old, was taken ill with pneumonia. M-K (Mentho-Kreoamo) was prescribed and in five days she was up and around feeling fine. Had no crisis;" "My little son, J. B. Moore, 10 months old was taken ill with Pneumonia, temperature 104. M-K (Mentho-Kreoamo) was prescribed 5 hours after pneumonia was discovered, and in 15 hours temperature was normal. \* \* \* I believe it saved our baby's life."

On June 16, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15818. Misbranding of Norma. U. S. v. 3 Dozen Bottles of Norma. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. \*22218. I. S. No. 12324-x. S. No. 285.)

On December 12, 1927, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen bottles of Norma, remaining unsold in the original bottles at Detroit, Mich., alleging that the article had been shipped by the Norma Laboratories, Inc., from Albany, N. Y., on or about August 30, 1927, and trans-

ported from the State of New York into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in the libel that the article was misbranded in that the following statements borne in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular) "The function of Norma is to aid Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness, and other discomforts and pains accompanying it. Those who know they have high blood pressure. Thousands of persons have been told by insurance medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with Norma, which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness, sleeplessness, restlessness, melancholia, and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief."

On January 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15819. Misbranding of An-A-Cin. U. S. v. 3279 Dozen Boxes of An-A-Cin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22820. I. S. No. 17872-x. S. No. 879.)**

On June 18, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3279 dozen boxes of An-A-Cin, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the C. E. Jamieson Co., trading as the An-A-Cin Co., from Detroit, Mich., on or about May 28, 1928, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetphenetidin (acetanilid derivative) and aspirin (acetylsalicylic acid) with small amounts of quinine sulphate and caffeine.

It was alleged in the libel that the article was misbranded in that the package containing the said article failed to bear a statement on the label of the quantity or proportion of acetphenetidin, a derivative of acetanilid, since, although the statement, "Acetphenetidin (acetanilid derivative) 3 Gr. per tablet," appeared on the label, it was so inconspicuously placed and in such small type that it did not comply with the purpose intended by the food and drugs act.

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "Usual adult dose for headache, toothache, earache, neuritis, neuralgia, colds, rheumatism, \* \* \* and periodical pains, 1 or 2 tablets, first followed by 1 tablet each hour or each two hours as required. Sore throat—Dissolve 1 tablet in wineglass of water and gargle. Usual Child's dose: Age 4-7 years, one fourth adult dose; Age 8-12 years, one-half adult dose;" (circular) "Without any fear of depressing the



heart \* \* \* It has no depressing action on the heart, and can, therefore, be safely administered to children and invalids. \* \* \* without an untoward or ill after effect or reaction. \* \* \* One of the principal uses of Anacin is for the relief of pain in conditions as headache, the neuralgias, rheumatism, etc. In such conditions one or two tablets should be taken with a little water first and then one tablet every hour until relief is experienced. In such conditions as influenza, common colds, la grippe, Anacin has antifebrifuge action which means that it will reduce the fever and relieve the symptoms. In the early stages of a cold the administration of Anacin will help to abort the cold and prevent it from developing into something more serious. In such conditions two tablets should be taken with water at the first evidence of the ailment, followed by one tablet every hour until relief is secured."

On July 6, 1928, the An-A-Cin Co., Detroit, Mich., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be made to conform with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15820. Misbranding of Hy'Ne. U. S. v. 2 Dozen Packages, et al., of Hy'Ne. Default decrees of condemnation, forfeiture, and destruction.**  
(F. & D. Nos. 22267, 22268. I. S. Nos. 12108-x, 12109-x. S. Nos. 302, 305.)

On December 9, 1927, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 dozen packages of Hy'Ne, remaining unsold in the original packages at Detroit, Mich., alleging that the article had been shipped by the Hy'Ne Co., from Chicago, Ill., in part on or about September 26, 1927, and in part on or about October 22, 1927, and transported from the State of Illinois into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric and salicylic acids, ammonia, alum, thymol, quinine, and cacao butter.

It was alleged in the libels that the article was misbranded in that the following statements, borne on the labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of accomplishing the results promised: (Circular) "The first two or three applications may cause a slight smarting or burning sensation for a few minutes. Pay no attention to this as it will cease after a few applications. The extent of the burning is a criterion of the depth of the disease, as a perfectly healthy person will not experience it in the slightest. \* \* \* For aches, pains, or strains which may be attributed to the weakness of the genital organs, use one cone at any time. \* \* \* If the pains do not cease at the end of four hours use another cone. \* \* \* For excessive flowing, weaknesses, painful menstruation, etc., \* \* \* For suppressed or irregular menstruation \* \* \* For leucorrhoea or whites use one cone every eight hours for four days, then one each night for a month, or until cured. \* \* \* For womb diseases, unpleasant discharges, inflammations, ulcerations, pains in kidneys or bladder, etc. \* \* \* Hy'ne may cause a slight burning sensation when first used. Do not be alarmed at this. It will pass away as the parts become healthy. To an absolutely healthy person no sensation is felt. After using for three days syringe the parts well with hot water; in many cases pieces or chunks of tissue will be discharged. Do not be alarmed at this as it is just as it should be. These are the primary causes of local irritation—and it is often necessary to remove these by surgical operation, the only resort in serious cases of leucorrhoea, etc., except the use of Hy'ne. \* \* \* as a soothing stimulant or tonic can be used beneficially by every woman. \* \* \* To replace the prolapsed womb \* \* \* A patient can readily replace the womb \* \* \* and by the time the cones have cured engorgement and relaxed vagina, there will be no prolapsus."

Misbranding was alleged for the further reason that the following statements borne on the labels were false and misleading: (Box label) "Hy'ne is a guarantee of fullest compliance with the Pure Food and Drug Law and meets the highest requirements as to Uniformity, Purity, Efficiency, and there-



fore Reliability;" (circular) "Hy'ne is absolutely harmless. It contains no \* \* \* deleterious substances. It is principally of vegetable origin and can be used without fear of injury."

On January 6, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15821. Adulteration and misbranding of tincture of iodine. U. S. v. 99 Bottles of Drugs. Product released under bond. (F. & D. No. 22489. I. S. No. 23981-x. S. No. 605.)**

On February 28, 1928, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 99 bottles of drugs at Fort Dodge, Iowa, alleging that the article had been shipped by George A. Breon & Co., from Kansas City, Mo., on or about November 29, 1927, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tincture of Iodine. U. S. P."

It was alleged in the libel that the article was adulterated in that an analysis of a sample of the product showed it contained 3.6 grams of iodine in each 100 cubic centimeters, whereas the United States Pharmacopoeia prescribed that tincture of iodine contain not less than 6.5 grams of iodine in each 100 cubic centimeters, in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and in that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statement on the labels "Tincture of Iodine, U. S. P." was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On March 24, 1928, the Fort Dodge Serum Company, Fort Dodge, Iowa, having withdrawn previous motion and answer, a motion was filed with approved statutory form of bond for release of the drugs, and it was ordered by the court that the said bond be approved and the drugs released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15822. Misbranding of Norma. U. S. v. 48 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22271. I. S. No. 1898-x. S. No. 314.)**

On or about December 15, 1927, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 bottles of Norma, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Norma Laboratories, Inc., from Albany, N. Y., on or about November 23, 1927, and transported from the State of New York into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in substance in the libel that the article was misbranded in that the circular accompanying the said bottles contained false and fraudulent statements regarding the article, and in that the said article did not contain ingredients or a combination of ingredients capable of producing the effects claimed in said circular.

On April 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15823. Misbranding of 999 nerve tonic and Prescription 999. U. S. v. 9 Boxes of 999 Nerve Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22359, 22360, 22361. I. S. Nos. 15806-x, 15807-x, 15808-x. S. Nos. 405, 406, 407.)**

On February 11, 1928, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and

condemnation of 9 boxes and 8 packages of 999 nerve tonic, and 9 boxes of Prescription 999, at Columbus, Ohio, alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., in various consignments, on or about April 16, July 21, and November 17, 1927, respectively, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The 999 nerve tonic was labeled in part: "The ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders." A portion of the said 999 nerve tonic was accompanied by a display carton, labeled in part: "999 Nerve Tonic, means pep, vim, vigor. 999 Nerve Tonic is a high-class remedy for any one with that tired, rundown feeling. It is especially suited for those cases where the person doesn't have the pep they think they should have." The Prescription 999 was labeled in part: "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubebs, copaiba, and other valuable vegetable oils which are known to give the best results in treating the disease for which this medicine is intended. \* \* \* After all signs of the disease have disappeared."

Analyses of samples of the articles by this department showed that 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of plant drugs, including nux vomica and damiana, and that Prescription 999 consisted essentially of volatile oils, including nutmeg, santal, and cubeb oils, copaiba balsam, and a fatty oil.

It was alleged in the libels that the articles were misbranded in that the statements contained in the said labels and in the said display carton accompanying the 999 nerve tonic were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On May 24, 1928, no claimant having appeared for the property, judgments were entered finding the products liable to condemnation, and it was ordered by the court that they be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15824. Misbranding of Double O. U. S. v. 1 Dozen Large-Size Bottles of Double O, et al. Default decree of destruction entered. (F. & D. No. 22343. I. S. No. 13094-x. S. No. 402.)**

On January 4, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 dozen large-size bottles and 3 small-size bottles of Double O, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Red Star Laboratories Company, from Chicago, Ill., on or about April 18, 1927, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resins, such as those from buchu and copaiba, extracts from plant drugs, volatile oils, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the cartons bore labels and contained circulars, in which appeared the following statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Circular contained in shipping package) "Your most wonderful medicine 'Double O' of which I have taken for gonorrhea is certainly a marvel. \* \* \* Our preparation is today recognized as the most dependable product in this line \* \* \* until we entered the field nothing has been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases;" (carton) "An absolutely safe Internal Medicine;" (circular headed "Don't Let Them Fool You") "The medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect \* \* \* Our duty to You—To supply you with the Best which experience and scientific knowledge can produce. Your duty to Yourself—To regain your former status of health."

On March 17, 1928, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15825. Misbranding of Sannette. U. S. v. 2 5/6 Dozen Packages of Sannette. Default decree of forfeiture and destruction entered. (F. & D. No. 21380. I. S. No. E-5907.)**

On November 18, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 5/6 dozen packages of drugs labeled in part, "Sannette \* \* \* The Chloride of Zinc Antiseptic Powder," remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Sannette Chemical Co., from Cincinnati, Ohio, on or about October 23, 1926, and had been transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alum, boric acid, and zinc salts with small amounts of menthol, phenol, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Seal) "Healing \* \* \* Antiseptic;" (package label) "Antiseptic \* \* \* Prepared especially for the vaginal douche. Superior to Bichlorid, Permanganate of Potash or the Cresol compounds. Indications Leucorrhea, gonorrhea, vaginitis, vulvitis, metritis, cervicitis, etc. Relieves any condition characterized by odor, inflammation, or discharge. \* \* \* Directions as a douche: one teaspoonful of the powder to two quarts of warm water;" (circular) "Antisept. \* \* \* Antiseptic \* \* \* It provides the elements necessary to make a mild antiseptic solution \* \* \* antiseptics \* \* \* antiseptic \* \* \* a high germicidal value \* \* \* full germicidal value \* \* \* the superiority of Sannette \* \* \* efficacious \* \* \* In the treatment of all forms of uterine, cervical, and vaginal inflammation, all authorities agree on the beneficial effects of the warm vaginal irrigation. Pus, mucous, shreds, and all the products of inflammation are washed out. \* \* \* the \* \* \* healing effect of Sannette solution is extremely grateful. The powder in solution is of great value in the treatment of all inflammations of the female generative tract, including acute and chronic metritis. Indeed, in these conditions the use of Sannette solution as an intra-uterine irrigation is of marked effect. In cervicitis and vaginitis, regardless of the aetiological factors, Sannette solution is beneficial and materially aids the physician in his treatment of these conditions. In Leucorrhea and gonorrhea the Sannette douche is extremely useful. The excoriating and acrid discharge \* \* \* is removed. The germicidal action of Sannette solution tends to prevent the further invasion of the pathogenic bacteria, corrects the intensely alkaline reaction, and removes the products of inflammation. \* \* \* Sannette will prove of great value in the treatment of these conditions \* \* \* of a mildly antiseptic \* \* \* nature \* \* \*. The physician is urged to advise the use of Sannette in these cases. Its mild antiseptic properties \* \* \* will be appreciated \* \* \* One teaspoonful of Sannette to two quarts of warm water is the requisite strength for the douche."

On September 7, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*

**15826. Adulteration and misbranding of vinegar. U. S. v. 27 Barrels, et al., of Vinegar. Decree of condemnation entered. Product released under bond. (F. & D. No. 22616. I. S. Nos. 19935-x, 19936-x, 19937-x. S. No. 635.)**

On or about March 23, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 barrels of evaporated apple vinegar and 56 cases, each containing a number of jugs of corn sugar vinegar, at Cairo, Ill., alleging that the articles had been shipped by the St. Louis Vinegar & Cider Co., St. Louis, Mo., in various consignments, on or about June 10, July 21, 1927, and January 16, 1928, respectively, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The said barrels were labeled in part: "Evaporated



Apple Reduced to 4% Vinegar." The jugs shipped in the said cases were labeled in part: "Stag Brand Corn Sugar Vinegar 40 Grain" or "Lincoln Brand Corn Sugar Vinegar 40 Grains \* \* \* St. Louis Vinegar & Cider Company, St. Louis, Missouri."

It was alleged in substance in the libel that the articles were adulterated in that the said barrels contained an imitation product other than apple vinegar, which had been mixed and packed with and substituted in part for the said article, and in that the said cases contained an article other than corn sugar vinegar, which had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the above-quoted labels bore statements which were false and misleading and deceived and misled purchasers, and in that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant, to be relabeled under the supervision of this department, upon the execution of a good and sufficient bond, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15827. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels, et al., of Vinegar. Product ordered released under bond to be relabeled.** (F. & D. No. 22638. I. S. Nos. 25308-x, 25309-x. S. No. 674.)

On or about March 20, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 barrels of vinegar, remaining in the original unbroken packages at Benton, Ill., alleging that the article had been shipped by the St. Louis Vinegar & Cider Co., St. Louis, Mo., on or about February 4, 1928, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Stamper Gro. Co. 40 Grain Fermented Corn Sugar Vinegar (or "Evaporated Apple Vinegar") Benton, Ill."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar had been mixed and packed therewith so as to lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Fermented Corn Sugar Vinegar" and "Evaporated Apple Vinegar," borne on the respective labels, were false and misleading and deceived and misled the purchaser when applied to an imitation product, for the further reason that the statement "40," borne on the label, was false and misleading and deceived and misled the purchaser in that the article contained a grainage of a lesser quantity, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of measure.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to rebrand and relabel the said vinegar so as to bring it into conformity with the Federal food and drugs act, a decree was entered ordering that the product be released to the said claimant, to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$500, and that the claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15828. Adulteration and misbranding of vinegar. U. S. v. 2 Barrels of Vinegar. Consent decree of condemnation entered. Product released under bond.** (F. & D. No. 22456. I. S. No. 19922-x. S. No. 565.)

On February 14, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of vinegar, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by the St. Louis Vinegar & Cider Co., from St. Louis, Mo., on or about December 13, 1927, and

transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cushing Brand Fermented Apple Cider Vinegar Put up by St. Louis Vinegar & Cider Co. 55."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation product other than apple cider vinegar had been mixed and packed with and substituted in part for the said article, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the above-quoted label bore statements which were false and misleading and deceived and misled purchasers, and in that the article was in imitation of and was offered for sale under the distinctive name of another article.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$100, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15829. Adulteration of fig pulp and fig paste. U. S. v. 600 Cases of Fig Pulp, et al. Default decrees of condemnation and forfeiture. Product ordered disposed of for other than food purposes. (F. & D. Nos. 22130, 22312. I. S. Nos. 11941-x, 14237-x. S. Nos. 180, 357.)**

On November 1 and December 19, 1927, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 600 cases of fig pulp and 650 cases of fig paste at Cleveland, Ohio, alleging that the article had been shipped by Guggenhime & Co., Fresno, Calif., in part on or about August 28, 1927, and in part on or about October 10, 1927, and had been transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fig Pulp (or 'Pansy \* \* \* Brand California Fig Pulp') \* \* \* Guggenhime and Company, California."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 25 and April 26, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal. The decrees were subsequently modified to permit the shipment of the product to the Rossville Manufacturing Co., Lawrenceburg, Ind., to be used other than as a food product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15830. Adulteration and misbranding of Vino Sano grape bricks. U. S. v. 1122 Cases Vino Sano Grape Bricks. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 22140. I. S. Nos. 21508-x to 21513-x, incl. S. No. 186.)**

On November 10, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,122 cases of Vino Sano grape bricks, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Vino Sano Co., Inc., from San Francisco, Calif., and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail package) "Vino Sano Grape Brick (clusters of grapes) Vino Sano Co. Inc., San Francisco, Calif.," and had the type of flavor rubber stamped on the package as "Muskat," "Malaga," "Port," "Sherry," "Rhine," and "Burgundy."

It was alleged in the libel that the article was adulterated in that a substance, glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the following statements and designs were false and misleading and deceived and misled purchasers: (All



cartons) (clusters of grapes) "Vino Sano Grape Brick \* \* \* Grape Juice \* \* \* Grape Brick \* \* \* Port, Sherry, Malaga \* \* \* Grape Brick or gallon of juice \* \* \* Muscatel, Rhine, Burgundy \* \* \* For Medicinal Purposes Consult Your Physician VINO SANO Vitamine Concentrate \* \* \* The juice contains the most important Vitamines A, B, and even the latest discovered Vitamine E, and may be prescribed by Doctors instead of any other yeast treatment, especially in place of fermented milk treatments (Kefir, Yoghurt, Kumiss), in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs), which explains the rejuvenating qualities of VINO SANO Vitamine Concentrate. Consult your Doctor! \* \* \* any kind of fruit juice \* \* \* the juice \* \* \* VINO SANO Grape Bricks are the dehydrated, compressed substances as found in the choicest \* \* \* vines, scientifically prepared by the newest process of dehydration, without the use of any harmful, artificial, or synthetic chemical or preservative, and conform with the Pure Food Laws of the United States \* \* \* makes a delicious, non-alcoholic, unfermented Grape Juice beverage with Port, Sherry, or Malaga flavor (sweet tasting types) or Muscatel, Rhine, Burgundy flavor (dry tasting types)." It was further alleged in the libel that the statements, "Muskat type," "Malaga type," "Port type," "Sherry type," "Rhine type," and "Burgundy type," were false and misleading, and that the term "Vino Sano," which translated means "wholesome wine," was false and misleading when applied to this product. It was also alleged that the statement, "California Grape Bricks," borne in the labeling of the Malaga, Port, Sherry, and Burgundy types, was false and misleading.

On July 9, 1928, the VINO SANO Sales Corporation, San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15831. Misbranding and alleged adulteration of alfalfa leaf meal. U. S. v. 62 Sacks and 274 Sacks of Alfalfa Leaf Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22476, 22483, 22609. I. S. Nos. 11959-x, 25006-x. S. Nos. 584, 642.)**

On March 1 and March 6, 1928, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 336 sacks of alfalfa meal, remaining in the original unbroken packages in part at Cleveland, Ohio, and in part at Toledo, Ohio, alleging that the article had been shipped by the Pecos Valley Alfalfa Mill Co., from Hagerman, N. Mex., in two consignments, December 5, 1927, and January 5, 1928, respectively, and transported from the State of New Mexico into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Alfalfa Leaf Meal \* \* \* Made by Pecos Valley Alfalfa Mill Co., Hagerman, New Mexico, Guaranteed analysis protein 17%, \* \* \* Fibre 23%."

It was alleged in substance in the libels that the article was adulterated in that it was deficient in protein and contained stem meal mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore statements which were false and misleading and deceived and misled the purchaser, as follows: "Alfalfa Leaf Meal" and "Guaranteed analysis protein 17%." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 17 and May 12, 1928, respectively, the Pecos Valley Alfalfa Mill Co., Hagerman, N. Mex., having appeared as claimant for the property and having admitted the allegations of the labels, judgments of the court were entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,000, conditioned in part that it should not be used, sold, or disposed of in violation of law. The decrees further provided that the product be relabeled in accordance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15832. Adulteration and misbranding of butter. U. S. v. The Meriden Creamery Co. Plea of guilty. Fine, \$80. (F. & D. No. 22548. I. S. Nos. 7684-x, 7685-x, 7686-x.)**

On May 17, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meriden Creamery Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about June 3 and June 10, 1927, respectively, from the State of Missouri into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Meriden Country Roll Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the said article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On May 19, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15833. Misbranding and alleged adulteration of vinegar. U. S. v. 20 Barrels and 17 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22381, 22394. I. S. Nos. 23712-x, 23713-x, 23715-x. S. Nos. 444, 472.)**

On January 19 and January 27, 1928, respectively, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 37 barrels of vinegar, remaining unsold in the original packages at Keokuk, Iowa, alleging that the article had been shipped by F. A. Kauffman, from St. Louis, Mo., on or about September 20, 1927, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Cider Vinegar."

It was alleged in substance in the libels that the article was adulterated in that it was largely a corn sugar vinegar.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar," borne in the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 17 and April 18, 1928, respectively, the F. A. Kauffman Mfg. Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant for relabeling under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it should not be disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15834. Adulteration of shell eggs. U. S. v. John M. Shackelford. Plea of nolo contendere. Fine, \$5. (F. & D. No. 22533. I. S. No. 13289-x.)**

On April 27, 1928, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John M. Shackelford, Severn, Va., alleging shipment by said defendant in violation of the food and drugs act, on or about July 25, 1927, from the State of Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "J. M. Shackelford Severn, Va."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 18, 1928, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15835. Adulteration of canned raspberries. U. S. v. 220 Boxes of Canned Raspberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22658. I. S. No. 15730-x. S. No. 613.)

On March 24, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 220 boxes of raspberries, remaining unsold in the original packages at Detroit, Mich., alleging that the article had been shipped by the Red Wing Co., from Fredonia, N. Y., August 1, 1927, and transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Columbian Red Raspberries \* \* \* Manufactured and Guaranteed by The Red Wing Company, Inc. Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On June 8, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15836. Adulteration of sweetened condensed milk. U. S. v. 8 Cases of Sweetened Condensed Milk. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22091. I. S. No. 14888-x. S. No. 136.)

On October 11, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of sweetened condensed milk at San Juan, P. R., alleging that the article had been shipped by Libby, McNeill & Libby, New York, N. Y., on or about March 5, 1927, and transported from the State of New York into the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Leche Condensada endulzada, Libby, McNeill & Libby, Chicago, \* \* \* Libby's—Lolita—Tamono No. 3."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 25, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15837. Adulteration and misbranding of olive oil. U. S. v. 1 Can, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22466, 22468, 22477, 22478, 22479, 22480, 22481, 22613, 22614, 22615, 22618. I. S. Nos. 23399-x, 23400-x, 23401-x, 23408-x, 23413-x, 23414-x, 23415-x, 23416-x, 23417-x, 23398-x, 23402-x, 23405-x, 23407-x. S. Nos. 588, 595, 648, 649, 650, 651.)

On February 23, February 25, and March 9, 1928, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 23 cans of olive oil, remaining in the original unbroken packages in part at Beaumont, Texas, and in part at Port Arthur, Texas, alleging that the article had been shipped from Taormina Bros., New Orleans, La., between the dates of November 30, 1927, and January 18, 1928, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: "Pure Olive Oil Packed in Italy Taormina Bros. Net Contents 6 Gallons." A portion of the said article was labeled: "Pure Olive Oil La Giardiniera Packed in Italy expressly for Taormina Bros. by Eustachio Taormina & Figli, Sicily Partanna, Italy Net Contents six Gallons." A portion of the said article was shipped as olive oil in unlabeled 5-gallon cans.

It was alleged in the libels that the article was adulterated in that cotton-seed oil had been mixed and packed with and substituted in whole or in part for olive oil.



Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that the designations on the label "Pure Olive Oil" or "Olive Oil," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15833. Adulteration and misbranding of maple sirup. U. S. v. 19 Gallons of Maple Sirup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22810. I. S. No. 21721-x. S. No. 849.)

On June 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 gallons of maple sirup, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by D. R. Crane, from McIndoes, Vt., February 11, 1928, and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pure Maple Product 11 Lbs. Net Made by D. R. Crane, McIndoe Falls, Vt."

It was alleged in the libel that the article was adulterated in that a mixture of sugar sirup and a small amount of maple sirup had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Pure Maple Product," was false and misleading and deceived and misled the purchaser when applied to an article containing a mixture of sugar sirup and a small amount of maple sirup, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the label, "11 Lbs. Net," was of no significance to the ordinary purchaser as indicating the quantity of maple sirup, which is almost universally dealt in and thought of in terms of volume, and for the further reason that the product was offered for sale under the distinctive name of another article.

On July 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15839. Misbranding of tomato paste. U. S. v. 6 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product ordered destroyed.** (F. & D. No. 22763. I. S. No. 24278-x. S. No. 795.)

On May 9, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of tomato paste, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Eagle Canning Co., Inc., Fredonia, N. Y., on or about October 25, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eagle Brand Salsa di Pomodoro \* \* \* Tomato Paste Eagle Canning Co., Inc., Fredonia, N. Y."

It was alleged in the libel that the article was misbranded in that the statements, designs, and devices on the labels of the cans containing the said article, to wit, "Tomato Paste Salsa di Pomodoro (cut of red ripe tomatoes)," was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared on the label.

On July 9, 1928, by consent of the claimant, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15840. Adulteration and misbranding of olive oil. U. S. v. 18 Cartons of Olive Oil. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22375. I. S. No. 20870-x. S. No. 429.)

On January 17, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cartons of olive oil, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the J. R. Dagnino Co., Boston, Mass., on or about October 26, 1927, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Dag-ni-no's Extra No. 1 Pure Olive Oil \* \* \* Imported and bottled by J. R. Dagnino Co., \* \* \* Boston, Mass."

It was alleged in the libel that the article was adulterated in that sesame and cottonseed oil had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, (blown in bottle) "Extra Fine Olive Oil" and (carton) "Extra No. 1 Pure Olive Oil \* \* \* Guaranteed absolutely pure and is made of the best quality and choice olive fruit obtainable and we guarantee the purity of same under chemical analysis Imported," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 17, 1928, the claimant having admitted all the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15841. Misbranding of blackberry jam, strawberry jam, raspberry jam, and lemon surprise, and alleged adulteration of blackberry jam, strawberry jam, and raspberry jam. U. S. v. 10 Cases of Blackberry Jam, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 22783. I. S. Nos. 25443-x to 25446-x, incl. S. No. 810.)

On May 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of blackberry jam, 4 cases of lemon surprise, 35 cases of strawberry jam, and 100 cases of raspberry jam at Forest Park, Ill., alleging that the articles had been shipped by the Curtis Corporation, from Long Beach, Calif., February 2, 1928, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Royal Delite Brand Blackberry Jam (or "Strawberry Jam" or "Raspberry Jam" or "Lemon Surprise") Net Contents 3 pounds, Royal Preserving Co., South Pasadena, California."

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "Net Contents 3 Pounds," was false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight or measure.

Adulteration was alleged with respect to the blackberry jam, strawberry jam, and raspberry jam for the reason that a substance, pectin and citric acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said articles.

On June 29, 1928, the Royal Preserving Co., South Pasadena, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the products misbranded in that the statements, "Net Contents 3 Pounds," were false and misleading and deceived and misled the purchaser in that the articles were in package form and the quantity of the contents was not clearly and conspicuously marked on the outside of the package, and in that the statements, "Strawberry Jam," "Blackberry Jam," and "Raspberry Jam," were false and misleading and deceived and misled the purchaser when applied to jams containing added pectin and fruit

acid. A decree of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department, as follows: "Net Contents 2 Pounds 14 Ounces," and that the blackberry jam, strawberry jam, and raspberry jam be labeled, "Containing Added Pectin and Added Fruit Acid."

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15842. Adulteration of pears. U. S. v. 516 Baskets of Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21249. I. S. No. 820-x. S. No. C-3035.)**

On August 21, 1927, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 516 baskets of pears at Cambridge, Nebr., alleging that the article had been shipped by Charles F. Schoening, from Fruitvale, Colo., on or about August 13, 1926, and transported from the State of Colorado into the State of Nebraska, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient which might have rendered it injurious to health, to wit, arsenic.

On March 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15843. Adulteration of tomato puree. U. S. v. Tennent Products Co. Plea of guilty. Defendant placed on probation. (F. & D. No. 22564. I. S. No. 13867-x.)**

On May 29, 1928, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Tennent Products Co., a corporation, Freehold, N. J., alleging shipment by said company in violation of the food and drugs act, on or about January 5, 1927, from the State of New Jersey into the State of New York, of a quantity of tomato puree which was adulterated. The article was labeled in part, "Tennent Brand Tomato Puree \* \* \* Tennent Products Co., Inc., Freehold, N. J."

It was alleged in the information that the article was adulterated, in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On June 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company. Sentence was suspended, said defendant being placed on probation.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15844. Misbranding of egg mash. U. S. v. Hales & Hunter Co. Plea of guilty. Fine, \$50. (F. & D. No. 22517. I. S. No. 8708-x.)**

On September 26, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hales & Hunter Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about September 8, 1926, from the State of Illinois into the State of Massachusetts, of a quantity of egg mash which was misbranded. The article was labeled in part: "Red Comb Egg Mash. \* \* \* Guaranteed Analysis: Protein 20 Per Ct. \* \* \* Sole Manufacturers Hales & Hunter Co., Chicago, Ill., U. S. A."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Protein 20 Per Ct.," borne on the sacks containing the said article, was false and misleading in that the said statement represented that the article contained 20 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 20 per cent of protein, whereas it did not contain 20 per cent of protein, but did contain a less amount.

On December 28, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15845. Adulteration and misbranding of cottonseed meal. U. S. v. Empire Cotton Oil Mills. Plea of nolo contendere. Fine, \$25. (F. & D. No. 22516. I. S. Nos. 7563-x, 13604-x.)**

On July 15, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Cotton Oil Mills, a corporation, Valdosta, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 11, 1926, and October 30, 1926, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Second Class Cotton Seed Meal \* \* \* Guaranteed Analysis Ammonia (actual and potential)—7.00% (Equivalent 36% protein)."

Adulteration of the article was alleged in the information for the reason that a cottonseed feed containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Second Class Cotton Seed Meal \* \* \* Guaranteed Analysis Ammonia (actual and potential)—7.00% (Equivalent 36% protein)," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article was second-class cottonseed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was second-class cottonseed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, whereas it was not second-class cottonseed meal as labeled, but was cottonseed feed containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein.

On September 19, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15846. Adulteration of celery. U. S. v. American Fruit Growers, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 18473. I. S. Nos. 1853-v, 1854-v.)**

On May 21, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Growers, Inc., a corporation, trading at Sanford, Fla., alleging shipment by said company, in violation of the food and drugs act, in part on or about April 17, 1923, and in part on or about April 19, 1923, from the State of Florida into the State of Massachusetts, of quantities of celery which was adulterated.

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On January 3, 1928, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15847. Adulteration of oranges. U. S. v. Samuel Jefferson Sligh (S. J. Sligh & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 19002. I. S. No. 2432-v.)**

On October 30, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Jefferson Sligh, trading as S. J. Sligh & Co., Orlando, Fla., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 19, 1924, from the State of Florida into the State of New York, of a quantity of oranges which were adulterated. The article was labeled in part: "Fancy Florida Oranges Elk Trade Mark \* \* \* S. J. Sligh & Co. Orlando, Fla. Lake Griffin."

It was alleged in the information that the article was adulterated in that a product, to wit, tree dried oranges, that is, desiccated oranges had been substituted in part for fancy Florida oranges which the said article purported to be.

On April 23, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15848. Adulteration of oranges. U. S. v. Florence Citrus Growers Assoc. Plea of guilty. Fine, \$25.** (F. & D. No. 18468. I. S. Nos. 3315-v, 3316-v.)

On July 28, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Florence Citrus Growers Assoc., a corporation, Florence Villa, Fla., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about February 24, 1923, and March 3, 1923, respectively, from the State of Florida into the State of Georgia, of quantities of oranges which were adulterated.

It was alleged in the information that the article was adulterated in that inedible oranges had been substituted in whole or in part for edible oranges, which the said article purported to be.

On April 23, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15849. Adulteration of oranges. U. S. v. Leesburg Citrus Growers Assoc. Plea of guilty. Fine, \$25.** (F. & D. No. 19333. I. S. No. 3239-v.)

On February 18, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Leesburg Citrus Growers Assoc., a corporation, Leesburg, Fla., alleging shipment by said company, in violation of the food and drugs act, on or about March 28, 1924, from the State of Florida into the State of North Carolina, of a quantity of oranges which were adulterated.

It was alleged in the information that the article was adulterated in that an inedible product, to wit, tree dried oranges, had been substituted in whole or in part for edible oranges, which the said article purported to be.

On April 23, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15850. Adulteration of figs. U. S. v. Toomey Fruit Co. Plea of guilty. Fine, \$100.** (F. & D. No. 22543. I. S. No. 17676-x.)

On February 29, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Toomey Fruit Co., a corporation, Fresno, California, alleging shipment by said company, in violation of the food and drugs act, on or about September 26, 1927, from the State of California into the State of Illinois, of a quantity of dried figs, roasted and ground, which were adulterated.

It was in the information that the article was adulterated, in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 15, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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## United States Department of Agriculture

### FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15851-15900

[Approved by the Secretary of Agriculture, Washington, D. C., April 17, 1929]

**15851. Adulteration of coffee. U. S. v. 46 Bags of Coffee. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 22623. I. S. 20875-x. S. No. 470.)

On March 12, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 46 bags of coffee, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by I. A. Wood, from Los Angeles, Calif., on or about January 16, 1928, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 7, 1928, Isaac A. Wood of I. A. Wood & Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$550, conditioned in part that it be delivered into the custody of the Collector of Customs for destruction or reexportation under Customs supervision.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15852. Adulteration of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 22849. I. S. No. 25789-x. S. No. 874.)

On June 4, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 71 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Globe Creamery Co., from Iowa City, Iowa, May 29, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that the said article contained less than 80 per cent of butterfat.

On June 8, 1928, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree,

Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15853. Misbranding and alleged adulteration of vinegar. U. S. v. 66 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22393. I. S. No. 23716-x. S. No. 471.)**

On January 27, 1928, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 66 barrels of vinegar, remaining unsold in the original packages at Burlington, Iowa, alleging that the article had been shipped by the National Vinegar Co., from St. Louis Mo., on or about December 31, 1927, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cider Vinegar, St. Louis, Mo."

It was alleged in substance in the libel that the article was adulterated in that it was largely vinegar made from dried apple products.

Misbranding was alleged for the reason that the statement, "Cider Vinegar," borne on the labels, was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On April 17, 1928, the National Vinegar Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant, to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15854. Misbranding of scratch feed. U. S. v. Federal Milling & Refrigerating Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 19302. I. S. No. 15195-v.)**

On December 26, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Federal Milling and Refrigerating Co., a corporation, Hagerstown, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 7, 1924, from the State of Maryland into the District of Columbia, of a quantity of scratch feed which was misbranded. The article was labeled in part: "Eureka Scratch Feed 100 Lbs. \* \* \* Federal Milling and Ref'g. Co. Hagerstown, Md."

It was alleged in the information that the article was misbranded in that the statement, to wit, "100 Lbs.," borne on the sacks containing the said article, was false and misleading in that the said statement represented that the sacks each contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks each contained 100 pounds of the article, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity represented more than the actual contents of the package.

On June 4, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15855. Misbranding of butter. U. S. v. 45 Cases of Cloverbloom Creamery Butter. Product released under bond to be reworked. (F. & D. No. 21127. I. S. No. 7436-x. S. No. E-5718.)**

On May 5, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and



condemnation of 45 cases of Cloverbloom Creamery butter, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped from the Armour Creameries, from Louisville, Ky., April 24, 1926, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Armour's Cloverbloom Pasteurized Creamery Butter, Distributed by Armour Creameries, \* \* \* Chicago."

It was alleged in the libel that the article was misbranded in that the net weight statement, "1 Lb. Net Weight," was not correct, and for the further reason that the statement, "1 Lb. Net Weight," was false and misleading, since the product had a net weight of less than one pound.

On May 18, 1926, Armour & Co. having appeared as claimant for the property, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, conditioned in part that it be returned to the factory for reworking to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15856. Adulteration of grapefruit. U. S. v. 372 Boxes of Grapefruit. Order of destruction entered.** (F. & D. No. 21821. I. S. No. 15551-x. S. No. C-5426.)

On March 15, 1927, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of grapefruit, remaining in the original packages at Dallas, Texas, consigned by the Fruit Distributors Co., Clearwater, Fla., alleging that the article had been shipped from Clearwater, Fla., on or about March 7, 1927, and transported from the State of Florida into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Grapefruit Packed by W. C. Blair, J. & S. Brand Clearwater, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 2, 1927, A. A. Lawler, trading as the Texas Distributing Co., Dallas, Texas, having theretofore appeared as claimant for the property and having filed a bond in the sum of \$1,000, and the product having proved upon inspection by this department to be unfit for human consumption, upon application by the claimant it was ordered by the court that the product be destroyed and the bond exonerated, and that the claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15857. Adulteration of shell eggs. U. S. v. James P. Bridges (J. P. Bridges). Plea of guilty. Fine, \$25 and costs.** (F. & D. No. 19732. I. S. No. 23899-v.)

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James P. Bridges, trading as J. P. Bridges, Blackwell, Okla., alleging shipment by said defendant in violation of the food and drugs act, on or about June 24, 1925, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. P. Bridges, Blackwell, Okla."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 14, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15858. Adulteration and misbranding of butter. U. S. v. Pend D'Oreille Creamery Co. Plea of guilty. Fine, \$390.** (F. & D. No. 22528. I. S. Nos. 10751-x, 10752-x, 10753-x, 10756-x, 10757-x.)

On December 23, 1927, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pend d'Oreille Creamery Co., a corporation, trading at Plains, Mont., alleging shipment by said company, in violation of the food and drugs act as amended,



in various consignments from the State of Montana into the State of Idaho, on or about April 27, April 28, May 1, and May 3, 1927, respectively, of quantities of butter, a portion of which was misbranded and the remainder of which was adulterated and misbranded. The article was labeled in part: "16 Ounces Idaho State Creamery Butter Manufactured By Pend d'Oreille Creamery Company Sandpoint, Idaho, Plains, Mont."

Adulteration was alleged in the information with respect to a portion of the article for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter," with respect to a portion of the product, and "16 Ounces," with respect to all of the said product, borne on the labels, were false and misleading in that the said statements represented that the said portion of the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, and that the packages each contained 16 ounces thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said portion was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, and that the said packages each contained 16 ounces thereof, whereas the said portion of the article was a product which contained less than 80 per cent by weight of milk fat, and each of the packages containing the article contained less than 16 ounces thereof. Misbranding was alleged with respect to all the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 26, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$390.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15859. Adulteration of butter. U. S. v. 18 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22914. I. S. Nos. 03401, 03402. S. No. 940.)**

On July 5, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 tubs of butter, shipped June 22, 1928, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance low in milk fat had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On July 13, 1928, the H. C. Christians Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until reworked to conform with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15860. Adulteration of canned cherries. U. S. v. 395 Cases of Canned Cherries. Product ordered released under bond. (F. & D. No. 22084. I. S. Nos. 2616-x, 2618-x. S. No. 120.)**

On October 8, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 395 cases of canned cherries, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Twitchell-Champlain Co., from Wolcott, N. Y., on or about August 25, 1927, and had been transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

The article was labeled in part: (Can) "Pie Makers Special Red Sour Cherries \* \* \* Packed by The J. Salter Co., Manchester, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 31, 1928, the J. Salter Co., Manchester, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and said claimant having filed a bond in the sum of \$1,500 for return of the product for reconditioning under the supervision of this department, judgment was entered that the said product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15861. Misbranding of cottonseed meal and cake. U. S. v. 160 Sacks of Cottonseed Cake, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22261. I. S. Nos. 23149-x, 23150-x. S. No. 313.)**

On December 5, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed cake, and 240 sacks of cottonseed meal, remaining in the original unbroken packages at Cole Camp, Mo., alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Texas, November 26, 1927, and transported from the State of Texas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Golden Rod Forty-three per cent Protein Cottonseed Cake (or "Meal") \* \* \* Manufactured by Planters Cottonseed Products Company, Dallas, Texas, Guaranteed Analysis Crude Protein Not Less than 43 per Cent."

It was alleged in the libel that the article was misbranded in that it was deficient in protein, and in that the statements on the label, to wit, "Forty-three per cent protein" and "Crude Protein not less than Forty-three per cent," were false and misleading and deceived and misled the purchaser.

On December 21, 1927, the Planters Cottonseed Products Co., Dallas, Texas, claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of a representative of the Government.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15862. Misbranding of olive oil. U. S. v. 72 Half-Gallon Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22126. I. S. No. 20977-x. S. No. 176.)**

On November 1, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 half-gallon cans and 126 quart cans of olive oil, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Leo Crisafulli, New York, N. Y., on or about August 19, 1927, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Uinto Brand Virgin Imported Olive Oil \* \* \* One Quart Net" (or "Half Gallon Net").

It was alleged in the libel that the article was misbranded in that the statements, "One Quart Net" and "Half Gallon Net," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 16, 1928, Leo Crisafulli, New York, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15863. Adulteration of cheese. U. S. v. 40 Daisies (Cheese). Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22719. I. S. No. 23592-x. S. No. 751.)

On or about April 16, 1928, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 Daisy cheeses remaining in the original unbroken packages at Marinette, Wis., alleging that the article had been shipped by the Wallace Produce Co., from Wallace, Mich., on or about March 27, 1928, and transported from the State of Michigan into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an article deficient in milk fat had been mixed and packed with and substituted in part for the said article, and in that milk fat, a valuable constituent, had been in part abstracted.

On May 7, 1928, Louis Shevy, Stephenson, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15864. Adulteration and misbranding of Vino Sano grape bricks. U. S. v. 18 Cases, et al., of Vino Sano Grape Bricks. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22094, 22143 to 22149, incl. I. S. Nos. 19611-x to 19616-x, incl., 19634-x to 19673-x, incl. S. Nos. 123, 187, 188, 189, 190, 192, 193, 194.)

On October 17, 1927, and November 16, 1927, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 132 cases of Vino Sano grape bricks, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Vino Sano Sales Corporation, from New York, N. Y., in various consignments between the dates of August 4, 1927, and August 31, 1927, and had been transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping case) "Vino Sano Grape-Bricks Vino Sano Sales Corp., New York;" (carton) "Vino Sano Grape Brick (cluster of grapes) Vino Sano Co. Inc. San Francisco, Calif.," together with the name of type of flavor, such as "Port," "Muskat," "Rhine," "Malaga," "Sherry," "Burgundy."

Adulteration was alleged in the libel with respect to a portion of the product for the reason that a substance other than grape had been mixed and packed with the said article, so as to reduce, lower, and injuriously affect its quality and strength, and in that substances had been substituted in part for the article. Adulteration was alleged with respect to the remainder of the said article for the reason that a substance, glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the following statements and designs borne on the labels were false and misleading and deceived and misled the purchaser: (Red cartons containing portion of products) (cluster of grapes) "Vino Sano Grapebricks, Grape Juice \* \* \* Grape Brick \* \* \* Port \* \* \* Sherry, Malaga \* \* \* Grape Brick or gallon of juice \* \* \* Muscatel, Rhine, Burgundy \* \* \* For medicinal purposes;" (certain cartons) "Consult your physician \* \* \* Vino Sano Vitamine Concentrate \* \* \* The juice contains the most important Vitamines A, B, and even the latest discovered Vitamine E, and may be prescribed by Doctors instead of any other yeast treatment, especially in place of fermented milk treatments (Kefir, Yoghurt, Kumiss), in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs), which explains the rejuvenating qualities of fruit juice;" (certain cartons) "Vino Sano Vitamine Concentrate;" (certain cartons) Consult your Doctor! \* \* \* any kind of fruit juice the juice \* \* \* Vino Sano Grape Bricks are the dehydrated, compressed substances as found in the choicest California grapes, carefully blended with selected flavors from imported vines, scientifically prepared



by the newest process of dehydration, without the use of any harmful, artificial, or synthetic chemical or preservative and conform to the Pure Food Laws of the United States and its States \* \* \* makes a delicious, non-alcoholic, unfermented Grape Juice beverage with: Port, Sherry, or Malaga flavor (sweet tasting types) or Muscatel, Rhine, Burgundy flavor (dry tasting types);" (white cartons containing portion of "Rhine Type," "Malaga Type," and "Sherry Type") (clusters of grapes) "Vino Sano California Grape Bricks, Vino Sano Grape Bricks, with Port, Sherry, Rhine, Burgundy \* \* \* flavors \* \* \* Punch Juice \* \* \* Vino Sano Grape Juice, Port, Sherry or Angelica type \* \* \* Vino Sano Grape Brick, Rhine, Muscat or Burgundy type \* \* \* Grape liquids or berry juices \* \* \* Sweet Juices \* \* \* Vino Sano Grape Bricks contain the dehydrated contents of choice grapes \* \* \* freshly crushed grapes \* \* \* Vino Sano Grape Brick;" (yellow strip label accompanying portions of "Rhine Type," "Malaga Type," "Sherry Type," and "Burgundy Type") "Vino Sano Grape Bricks \* \* \* are the dehydrated substances as found in the choicest grapes \* \* \* from imported vines scientifically prepared by the newest process of dehydration \* \* \* they conform to the Pure Food Laws of the U. S. \* \* \* For making grape beverages. Each Vino Sano Grape Brick \* \* \* makes \* \* \* grape juice with Port, Sherry, or Malaga flavor \* \* \* or Rhine, Muscatel, Burgundy flavor \* \* \* For Port, Sherry, Malaga \* \* \* to every Vino Sano Grape Brick \* \* \* For Rhine, Burgundy and Muscat \* \* \* to every Vino Sano Grape Brick \* \* \* fruit juice \* \* \* of juice;" (portions of product) "Vino Sano Grape Bricks," "California Grape Bricks," "Rhine Type," "Malaga Type," "Sherry Type," "Port Type," "Burgundy Type," and "Muscat Type."

It was further alleged that portions of the "Rhine Type," "Malaga Type," "Sherry Type," and "Burgundy Type" were also misbranded in violation of section 8 of said act, paragraph third, as amended under "Drugs," in that the labels bore the statements, "for medicinal purposes \* \* \* the most effective mild cleansers of the digestive organs \* \* \* remedy \* \* \* digestive \* \* \* Vino Sano Port or Malaga juice in mild fermentation may be prescribed by doctors instead of other yeast treatment as well as in place of fermented milk treatments (Kefir, Yoghurt, Kumiss, etc.) in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs)," whereas the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 10, and May 18, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15865. Adulteration of chile peppers. U. S. v. 235 Sacks of Chile Peppers. Decree of condemnation entered. Product released under bond.**  
(F. & D. No. 22721. I. S. No. 17769-x. S. No. 756.)

On May 1, 1928, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amended libel, praying seizure and condemnation of 235 sacks of chile peppers, remaining in the original unbroken packages at San Antonio, Texas, alleging that the article had been shipped by the C. B. Gentry Chile Powder Co., from Los Angeles, Calif., on or about April 4, 1928, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 14, 1928, the C. B. Gentry Chile Powder Co., Los Angeles, Calif., and the Pure Food Products Co., Dallas, Texas, having appeared as claimants for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it should not be sold or disposed of in violation of the law, and it was further ordered by the court that the portion of the product determined by this department to be unfit for human consumption be destroyed. On May 17, 1928,

it having appeared that the product was unfit for human consumption, the said decree was modified to permit its use for chicken feed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15866. Adulteration and misbranding of vinegar. U. S. v. 27 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22678. I. S. No. 19707-x. S. No. 713.)**

On or about March 30, 1928, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 barrels of vinegar, remaining in the original unbroken packages at Devils Lake, N. Dak., alleging that the article had been shipped by the Red Wing Food Products Co., Red Wing, Minn., on or about September 21, 1927, and had been transported from the State of Minnesota into the State of North Dakota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Apple Cider Vinegar Reduced to 4½ Per Cent Acidity 51 Gallon Packed for Lake Grocery Co."

It was alleged in the libel that the article was adulterated in that water and acid products other than apple cider vinegar had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement borne on the label, to wit, "Apple Cider Vinegar," was false and misleading in that the said statement represented that the article was pure apple cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar, whereas it was not, but consisted in part of water and acid products other than apple cider vinegar.

On May 14, 1928, the Red Wing Food Products Co., Red Wing, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold until relabeled and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15867. Adulteration of figs. U. S. v. 5 Cases of Figs. Default decree of condemnation entered. Product disposed of according to law. (F. & D. No. 22235. I. S. No. 17556-x. S. No. 291.)**

On December 2, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of figs, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Moskahlades Bros., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 26, 1927, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Extra Fancy String Figs Crop 1923."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 27, 1928, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be disposed of by the United States marshal in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15868. Adulteration of canned cherries. U. S. v. 175 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22160. I. S. Nos. 19628-x, 19675-x. S. No. 212.)**

On November 23, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 175 cases of canned cherries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Red Wing Co., Inc., from Fredonia, N. Y., August 30, 1927, and had been transported from the State of New York into the State of Minnesota,



and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries \* \* \* Manufactured and Guaranteed by the Red Wing Company, Incorporated, Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 24, 1928, the Red Wing Co., Inc., Fredonia, N. Y., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the said produce be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of until pronounced by this department to be in compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15869. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22915. I. S. No. 03151. S. No. 942.)**

On July 6, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Central Minn. Prod. Co., Willmar, Minn., alleging that the article had been shipped from Willmar, Minn., on or about June 30, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 7, 1928, John S. Morris & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15870. Adulteration and misbranding of alimentary paste. U. S. v. 11 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21172. I. S. No. 13401-x. S. No. E-5804.)**

On July 15, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 boxes of alimentary paste at Jersey City, N. J., alleging that the article had been shipped by the Atlantic Macaroni Co., Long Island City, N. Y., on or about May 5, 1926, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bologna Style Tagliatelle Finissimo 20 Lbs. Net Artificially Colored."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to a deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15871. Adulteration and misbranding of alimentary paste. U. S. v. 19 Boxes, et al., of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21173. I. S. Nos. 13402-x, 13403-x, 13404-x. S. No. E-5805.)**

On or about July 17, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of alimentary paste at Jersey City, N. J., alleging that the article had been shipped by the De Martini Macaroni Co., Inc., Brooklyn, N. Y., on or about June 24, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Tripolini Bologna Style Macaroni (or "Tagliatelle Fine Bologna Style Macaroni" or "Farfalle Rotonne Bologna Style Macaroni") Artificially colored 20 Lbs. net when packed."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to a deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15872. Adulteration and misbranding of alimentary paste. U. S. v. 40 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21174. I. S. No. 13405-x. S. No. E-5806.)**

On July 15, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of alimentary paste at Jersey City, N. J., alleging that the article had been shipped by the National Noodle Co., New York, N. Y., on or about June 17, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Colors Used are U. S. Certified National Noodle Company, New York, N. Y., Guaranteed Under the Food and Drugs Act, June 30, 1906, \* \* \* Bologna Style Net Contents 20 Lbs. When Packed Taglierini No. 17."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15873. Adulteration of carob beans. U. S. v. 33 Bags of Carob Beans. Default order of destruction entered. (F. & D. No. 22411. I. S. No. 17545-x. S. No. 478.)**

On or about January 31, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 bags of carob beans, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Leo Crisafulli, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 29, 1927, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Leo Crisafulli, 31 Leonard Street, New York City."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, a sample of the said article showing insect infestation adulteration.

On March 26, 1928, no claimant having appeared for the property, judgment of the court was entered, finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15874. Adulteration of canned peaches. U. S. v. 174 Cases of Canned Peaches. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. No. 22813. I. S. Nos. 24446-x, 24447-x. S. No. 825.)

On June 12, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 174 cases of canned peaches, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Reed Grocery Co., from Beaumont, Texas, October 15, 1927, and had been transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15875. Adulteration of tomato catsup. U. S. v. 46 Cartons, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22123, 22170. I. S. Nos. 7515-x, 16109-x. S. Nos. 169, 221.)

On or about November 1 and November 25, 1927, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 88 cartons of tomato catsup, remaining in the original unbroken packages at Brunswick, Ga., alleging that the article had been shipped by the Phillips Packing Co., from Cambridge, Md., in two consignments, on or about May 21, and May 24, 1927, respectively, and had been transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Phillips Delicious Tomato Catsup \* \* \* Phillips Packing Co., Cambridge, Md."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 29, 1928, no claimant having appeared for the property, judgments of forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15876. Misbranding of tomato catsup. U. S. v. 60 Cases, et al, of Tomato Catsup. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22131, 22328, 22342. I. S. Nos. 21505-x, 21506-x, 21221-x, 21223-x, 21483-x. S. Nos. 178, 375, 395.)

On November 2, December 27, and December 31, 1927, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 935 cases and 594 cartons of tomato catsup, remaining unsold in various lots at Jersey City, Newark, and Elizabeth, N. J., respectively, alleging that the article had been shipped by Greenabaum Bros., Inc., Seaford, Del., in various shipments on or about September 3, September 17, and October 24, 1927, respectively, and had been transported from the State of Delaware into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled, variously, in part: (Main label) "Marigold Pure Tomato Catsup," "Uco Brand The Better Grade Catsup," "Tomato Catsup;" (on neck label of each) "Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar. Guaranteed pure and to comply with all U. S. Food Laws. Contains no artificial color or preservatives."

It was alleged in substance in the libels that the article was misbranded in that the statements, to wit, "Guaranteed pure and to comply with all U. S.



Food Laws. Contains no artificial color or preservatives. Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar," with respect to all of the product, and the further statements, "Pure Tomato Catsup" and "Catsup," with respect to the different products, were false and misleading and deceived and misled purchasers.

On February 21, 1928, Greenabaum Bros., Inc., Seaford, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$3,500, conditioned in part that it be relabeled to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15877. Adulteration and misbranding of vinegar. U. S. v. 48 Barrels of Vinegar. Product released under bond to be relabeled. (F. & D. No. 22703. I. S. No. 18952-x. S. No. 749.)**

On April 16, 1928, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 barrels of vinegar, remaining in the original unbroken packages at Mitchell, S. Dak., alleging that the article had been shipped by the Red Wing Food Products Co., Red Wing, Minn., on or about December 30, 1927, and transported from the State of Minnesota into the State of South Dakota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Breakfast Club Apple Cider Vinegar, Reduced to 4½% acidity, 45 grain 51 gal."

It was alleged in the libel that the article was adulterated in that an acid product, other than apple cider vinegar, and water had been mixed with and substituted in part for the said article, and in that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Breakfast Club Apple Cider Vinegar reduced to 4½ per cent acidity 45 grain 51 gal.," borne on the label, was false and misleading and deceived and misled purchasers, and in that the article was offered for sale under the name of another article.

On May 28, 1928, the Red Wing Food Products Co., Red Wing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15878. Adulteration of canned sardines. U. S. v. 683 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22419. I. S. No. 11256-x. S. No. 510.)**

On February 3, 1928, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 683 cases of canned sardines at Houston, Texas, alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 7, 1927, and had been transported from the State of Massachusetts into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines \* \* \* The Brawn Company, Portland, Me., and Plymouth, Mass."

It was alleged in the libel that the article was adulterated in that it was in whole or in part filthy, decomposed, and putrid, that being filthy, decomposed, and putrid it was made deleterious, and that such decomposition might have rendered the article injurious.

On April 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15879. Adulteration and misbranding of canned sugar corn. U. S. v. 425 Cases of Sugar Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22496. I. S. No. 8525-x. S. No. 614.)**

On February 29, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 425 cases of canned sugar corn, remaining in the original unbroken packages at Paducah, Ky., consigned by Carroon & Co., Fowler, Ind., alleging that the article had been shipped in interstate commerce from Fowler, Ind., into the State of Kentucky, on or about November 23, 1927, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Recall Country Gentleman Sugar Corn \* \* \* Carroon & Co., Fowler, Ind."

It was alleged in the libel that the article was adulterated in that field corn had been mixed and packed with and substituted in part for sugar corn.

Misbranding was alleged for the reason that the designation, "Country Gentleman Sugar Corn," was false and misleading in that the article was a mixture of sweet corn and field corn, and for the further reason that the said article was offered for sale under the distinctive name of another article, namely, "Country Gentleman Sugar Corn."

On March 5, 1928, the Merchants Wholesale Grocery Co., Paducah, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled to show that the said cans contained a mixture of field and sugar corn.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15880. Adulteration of butter. U. S. v. Wayne Searcy (Dublin Creamery). Plea of nolo contendere. Fine, \$50. (F. & D. No. 21550. I. S. No. 8842-x.)**

On October 16, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wayne Searcy, trading as the Dublin Creamery, Dublin, Ga., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 17, 1926, from the State of Georgia into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1913, which the article purported to be.

On June 25, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15881. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels, et al., of Vinegar. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22653. I. S. Nos. 25248-x, 25249-x. S. No. 689.)**

On March 21, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels and 15 cases of vinegar, remaining in the original unbroken packages at Eldorado, Ill., alleging that the article had been shipped by the St. Louis Vinegar & Cider Co., St. Louis, Mo., on or about August 26, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrels) "Fermented Corn Sugar Vinegar;" (cases) "Fedco Brand Corn Sugar Vinegar 32 Fluid Ounces Reduced to 40 Grain."

It was alleged in the libel that the article was adulterated in that an imitation product other than corn sugar vinegar had been mixed and packed with and substituted in part for the said article, and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the above-quoted labels bore statements which were false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$250, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15882. Adulteration and misbranding of vinegar. U. S. v. 9 Barrels of Cider Vinegar. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22622. I. S. No. 19940-x. S. No. 656.)**

On or about March 23, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 barrels of vinegar, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by the St. Louis Vinegar & Cider Co., St. Louis, Mo., on or about January 16, 1928, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fermented Apple Cider Reduced to 4% Vinegar."

It was alleged in the libel that the article was adulterated in that a substance, evaporated apple products vinegar, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Apple Cider Vinegar" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of measure.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$200, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15883. Adulteration and misbranding of vinegar. U. S. v. 40 Cases of Vinegar. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22508. I. S. No. 19943-x. S. No. 628.)**

On March 3, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 cases of vinegar, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by the St. Louis Vinegar & Cider Co., St. Louis, Mo., on or about June 8, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fox Brand Highest Quality Evaporated Apple Vinegar 40 Grain Strength."

It was alleged in the libel that the article was adulterated in that an imitation product other than evaporated vinegar had been mixed and packed with and substituted in part for the said article, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the label above quoted bore statements which were false and misleading and deceived and misled purchasers, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May, 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a

decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$300, and it was further ordered by the court that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15884. Adulteration and misbranding of vinegar. U. S. v. 25 Barrels of Vinegar. Consent decree of condemnation entered. Product released under bond.** (F. & D. No. 22507. I. S. No. 19941-x. S. No. 627.)

On March 3, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 barrels of vinegar, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by the St. Louis Vinegar and Cider Co., from St. Louis, Mo., on or about January 16, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evaporated Apple Reduced to 4 per cent Vinegar."

It was alleged in the libel that the article was adulterated in that colored distilled vinegar had been mixed and packed with and substituted in part for the said article, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the above-quoted label bore statements which were false and misleading and deceived and misled purchasers, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 3, 1928, the St. Louis Vinegar & Cider Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$500, and it was further ordered by the court that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15885. Adulteration and misbranding of vinegar. U. S. v. 10 Cases of Apple Vinegar, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22492, 22607. I. S. Nos. 19944-x, 19988-x, 19989-x. S. Nos. 578, 636.)

On March 1 and March 6, 1928, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 76 cases of vinegar, remaining in the original unbroken packages in part at Centralia, Ill., and in part at Cairo, Ill., alleging that the article had been shipped in interstate commerce into the State of Illinois by the Southern Manufacturing Co., St. Louis, Mo., in part on or about April 2, 1927, and in part on or about January 18, 1928, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Lady Ann Brand Evaporated Reduced Apple Vinegar \* \* \* 40 Grain Strength," "Lady Ann Brand Corn Sugar Vinegar, \* \* \* 40 Grain Strength," "Fox Brand Highest Quality Evaporated Reduced Apple Vinegar 40 Grain Strength."

It was alleged in substance in the libels that the article was adulterated in that an imitation product had been mixed and packed with and substituted in part for the said article, and in that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the above-quoted labels bore statements which were false and misleading and deceived and misled purchasers, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 3, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15886. Adulteration and misbranding of vinegar. U. S. v. 12 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22606. I. S. No. 19942-x. S. No. 629.)**

On March 8, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of vinegar at Cairo, Ill., alleging that the article had been shipped by the Keek Co., from St. Louis, Mo., on or about September 16, 1927, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Cider Vinegar 40 Grain Contents 1 Pt. Mellowed with Age in Wood Manufactured by Keek Co. Inc. St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that an imitation product other than pure apple cider vinegar had been mixed and packed with and substituted in part for the said article, and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the labels above quoted bore statements which were false and misleading and deceived and misled the purchasers, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15887. Adulteration and misbranding of preserves. U. S. v. 4½ Cases of Strawberry Preserves, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22066. I. S. Nos. 19326-x to 19331-x, incl. S. No. 103.)**

On September 26, 1927, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13½ cases and 15 jars of assorted preserves at Dupu, Ill., alleging that the articles had been shipped by the Louis Maull Co., from St. Louis, Mo., on or about August 2, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Maull's Strawberry (or "Cherry" or "Raspberry" or "Peach" or "Blackberry" or "Plum") Preserve \* \* \* Packed by L. Maull Co. St. Louis, Mo. Food Products, Maull's Quality Food Products."

It was alleged in the libel that the strawberry, cherry, and raspberry preserves were adulterated in that excessive sugar, added pectin, and added acid had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength, in that a mixture of fruit and sugar containing less than 45 parts of fruit to each 55 parts of sugar and containing added pectin and artificial color had been substituted wholly or in part for the said articles, and in that they were colored in a manner whereby damage and inferiority were concealed.

Adulteration was alleged with respect to the blackberry and plum preserves for the reason that added acid had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength, in that preserves containing added acid and artificial color had been substituted wholly or in part for pure preserves, and in that the articles were colored in a manner whereby damage and inferiority were concealed.

Adulteration of the peach preserves was alleged for the reason that added acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for pure preserves which the said article purported to be.

Misbranding was alleged for the reason that the labeling was false and misleading and deceived and misled purchasers.

On March 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15888. Adulteration of fig paste. U. S. v. 350 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22036. I. S. No. 17376-x. S. No. 78.)

On August 27, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 350 cases of fig paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Rosenberg Bros. Co., from San Francisco, Calif., August 3, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 14, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15889. Misbranding of butter. U. S. v. 27 Boxes of Butter. Product ordered released under bond.** (F. & D. No. 21986. I. S. No. 14216-x. S. No. E-5219.)

On June 18, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 boxes of butter at Wheeling, W. Va., alleging that the article had been shipped by the Caldwell Creamery Co., Caldwell, Ohio, on or about June 6, 1927, and had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Caldwell Creamery Butter Caldwell Creamery Company, Caldwell, Ohio."

It was alleged in the libel that the article was misbranded in that the statement, "Butter," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted wholly of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, contrary to the act of March 4, 1923, amending the said food and drugs act, which defined the word "butter" under said act.

On September 8, 1927, the Caldwell Produce Co., Caldwell, Ohio, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15890. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral.** (F. & D. No. 22911. I. S. No. 02453. S. No. 950.)

On or about July 9, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1928, alleging that the article had been shipped by the Rewey Creamery Co., Rewey, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which said article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On July 19, 1928, the Rewey Creamery Co., Rewey, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$600 collateral, in lieu of bond, con-



ditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15891. Adulteration of walnut meats. U. S. v. 50 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22670. I. S. No. 17430-x. S. No. 694.)**

On March 26, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of walnut meats, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by Bashaw & Arey, from San Francisco, Calif., on or about March 6, 1928, and had been transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "B. A. Co. San Francisco, Calif. Shelled Walnut Pieces."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, and in that worm-eaten, rancid, decomposed, and moldy nuts had been substituted for normal nut meats of good commercial quality.

On May 22, 1928, the Bashaw & Arey Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15892. Adulteration of fig bars. U. S. v. 28 Cases of Fig Bars. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22321. I. S. No. 17343-x. S. No. 370.)**

On December 21, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of fig bars, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by the Andrews-Wilmans Biscuit Co., from San Francisco, Calif., on or about October 20, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "A and W Fig Bars. Andrews-Wilmans Biscuit Co., San Francisco."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 30, 1928, by consent of the claimant, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15893. Adulteration and misbranding of butter. U. S. v. William P. Evarts (Lovelock Creamery). Plea of guilty. Fine, \$45. (F. & D. No. 22540. I. S. No. 17140-x.)**

On February 20, 1928, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Evarts, trading as Lovelock Creamery, Lovelock, Nev., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 17, 1927, from the State of Nevada into the State of California, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Lovelock Farmers Creamery Co. Clover Blossom Two Lbs. Net Purity Guaranteed."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Two Lbs. Net," borne on the label, was false and misleading in that the said statement represented that each of the packages contained 2 pounds of butter, and for the further reason that it was labeled as aforesaid so as to deceive and



mislead the purchaser into the belief that each of said packages contained 2 pounds of butter, whereas said packages did not each contain 2 pounds of butter, but did contain in each of a number thereof a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 29, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$45.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15894. Adulteration and alleged misbranding of black pepper. U. S. v. 36 Boxes and 11 Pails of Black Pepper. Product ordered released under bond. (F. & D. No. 22382. I. S. No. 18856-x. S. No. 454.)**

On January 20, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 boxes and 11 pails of black pepper, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., in part on or about September 15, 1927, and in part on or about November 4, 1927, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gilt Edge Black Pepper."

It was alleged in the libel that the article was adulterated in that a corn product and a substance high in crude fibre had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for black pepper. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Ground Black Pepper," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 5, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having admitted the adulteration of the product, it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15895. Adulteration of canned cherries. U. S. v. 27 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22068. I. S. No. 16670-x. S. No. 106.)**

On September 27, 1927, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 cases of canned cherries, remaining in the original unbroken packages at Oil City, Pa., alleging that the article had been shipped by the Red Wing Co., Inc., from Fredonia, N. Y., on or about August 9, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries \* \* \* Manufactured and Guaranteed by the Red Wing Co. Incorporated, Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 10, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15896. Adulteration and misbranding of chocolate-covered cherries. U. S. v. 28 Dozen Boxes of Chocolate-Covered Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22277. I. S. No. 21661-x. S. No. 316.)**

On or about January 4, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 28 dozen boxes of chocolate-covered cherries at Newark, N. J., alleging that the article had been shipped by the Hollis Chocolate Co., Inc., Reading, Pa., in part on or about November 5, 1927, and in part on or about November 16, 1927, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Boxes) "Hollis Chocolate Cherries \* \* \* 24 count not less than 15 oz. Manufactured by Hollis Chocolate Co., Reading, Pa."

It was alleged in the libel that the article was adulterated in that a substance, fat other than cocoa butter, had been substituted wholly or in part for the coating of the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statements, "Chocolate Cherries Not Less Than 15 Oz.," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15897. Adulteration and misbranding of marjoram. U. S. v. 1 Barrel of Marjoram. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21335. I. S. No. 8245-x. S. No. E-5878.)

On October 18, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of marjoram at Trenton, N. J., alleging that the article had been shipped by R. T. Randall & Co., Philadelphia, Pa., on or about September 27, 1926, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From R. T. Randall & Co. \* \* \* Philadelphia."

It was alleged in the libel that the article was adulterated in that a substance, dirt and sand, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15898. Adulteration and misbranding of canned corn. U. S. v. 875 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22341. I. S. No. 21525-x. S. No. 389.)

On January 4, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 875 cases of canned corn at Newark, N. J., alleging that the article had been shipped by Carroon & Co., Fowler, Ind., on or about October 12, 1927, and transported from the State of Indiana into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Basket Ball Brand Country Gentlemen Sugar Corn \* \* \* Extra Selected Sugar Corn Packed by Carroon & Co. Inc. Fowler, Ind."

It was alleged in the libel that the article was adulterated in that field corn had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Extra Selected Sugar Corn," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.



On April 5, 1928, Carroon & Co., Fowler, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,800, conditioned in part that it should not be shipped or sold unless relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15899. Misbranding and alleged adulteration of vinegar. U. S. v. 60 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22454. I. S. No. 23654-x. S. No. 505.)

On February 11, 1928, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 barrels of vinegar, remaining in the original unbroken packages at Madison, Wis., alleging that the article had been shipped by the Central City Pickle Works, from Peoria, Ill., December 2, 1927, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an acid product, other than cider vinegar, and an ash material had been substituted in part for cider vinegar and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the barrels containing the article bore the statement, "Cider Vinegar," which was false and misleading and deceived and misled purchasers in that the said article contained an acid product other than cider vinegar. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 5, 1928, the Central City Pickle Co., Peoria, Ill., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled by striking out the words "Cider Vinegar" from the label, and substituting in lieu thereof the following: "Apple Products Vinegar and Distilled Vinegar Reduced to Four Per Cent Acidity."

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15900. Adulteration and misbranding of cocoa. U. S. v. 160 Barrels of Cocoa. Product released under bond to be relabeled.** (F. & D. No. 22647. I. S. No. 17480-x. S. No. 624.)

On March 20, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 barrels of cocoa, remaining in the original unbroken packages at Salt Lake City, Utah, consigned by E. & A. Opler, Inc., Chicago, Ill., alleging that the article had been shipped from Seattle, Wash., on or about February 28, 1928, and transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc., American Brand Pure Cocoa Powder, Chicago."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Pure Cocoa Powder," borne on the label, was false and misleading and deceived and misled the purchaser in that the said article was not pure cocoa powder.

On June 8, 1928, E. & A. Opler, Inc., Chicago, Ill., claimant, having paid the costs of the proceedings and having filed a bond in the sum of \$1,500, judgment was entered ordering that the product be released to the said claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*



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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15901-15950

[Approved by the Secretary of Agriculture, Washington, D. C., May 8, 1929]

**15901. Adulteration and misbranding of butter. U. S. v. 11 Boxes of Butter. Decree of condemnation entered.** (F. & D. No. 22058. I. S. No. 17210-x. S. No. 97.)

On August 29, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Mutual Creamery Co., Grand Junction, Colo., alleging that the article had been shipped in interstate commerce on or about August 20, 1927, from Grand Junction, Colo., into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Nucla Creamery Co. Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading, since the article contained less than 80 per cent of milk fat, and in that the statement "Butter" deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1927, the court having found that the product was adulterated and misbranded, judgment of condemnation was entered, and it was ordered by the court that the product be disposed of by the United States marshal in accordance with the provisions of the Federal food and drugs act as amended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15902. Adulteration and misbranding of blackberry jelly. U. S. v. 7½ Dozen Jars of Blackberry Jelly. Default decree of destruction entered.** (F. & D. No. 22041. I. S. No. 13393-x. S. No. 85.)

On September 3, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7½ dozen jars of blackberry jelly, remaining in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped by the Lutz & Schramm Co., Pittsburgh, Pa., on or about May 20, 1927, and had been transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Blackberry Jelly L & S. Lutz & Schramm Co. Pittsburgh, Pa., U. S. A."

It was alleged in the libel that the article was adulterated in that pectin and acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and in that an imitation fruit jelly composed of pectin, fruit juices, sugar, and added acid had been substituted for the said article, namely, pure blackberry jelly.

Misbranding was alleged in substance for the reason that the statement on the said labels, "Pure Blackberry Jelly," was false and misleading, in that the said jars were labeled so as to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 16, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15903. Adulteration of canned cherries. U. S. v. 32 Cans of Canned Cherries. Default decree of destruction entered. (F. & D. No. 22278. I. S. No. 21237-x. S. No. 319.)**

On or about December 15, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 cans of cherries, remaining unsold in the original packages at Morgantown, W. Va., alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N. Y., on or about August 25, 1927, and had been transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York State Products, Packed by Webster Canning and Preserving Company, Webster, N. Y. \* \* \* Pitted Red Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15904. Adulteration of oysters. U. S. v. James B. Robinson (J. B. Robinson & Co.). Plea of nolo contendere. Fine, \$20. (F. & D. No. 22518. I. S. No. 14938-x.)**

On November 7, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Robinson, a member of a copartnership trading as J. B. Robinson & Co., Seaford, Del., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 15, 1926, from the State of Delaware into the State of New York, of a quantity of oysters which were adulterated. The article was labeled in part: (Barrel) "From J. B. Robinson & Co., \* \* \* Seaford, Delaware."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and in that water had been substituted for oysters, which the said article purported to be.

On June 15, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15905. Misbranding of butter. U. S. v. 7 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22848. I. S. No. 20315-x. S. No. 858.)**

On or about June 4, 1928, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 boxes of butter, remaining unsold at Dover, Del., alleging that the article had been shipped by the Orange Creamery Co., from Orange, Va., May 31, 1928, and had been transported from the State of Virginia into the State of Delaware and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monticello Dairy Butter made from selected and pasteurized cream, Charlottesville Virginia, One Pound, Monticello Dairy Butter."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound," was false and misleading and deceived and misled the purchaser.



On June 25, 1928, the Monticello Dairy, Inc., Charlottesville, Va., claimant, having consented to the entry of a decree, and having paid the costs and executed a good and sufficient bond with surety for the proper labeling of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15906. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22825. I. S. No. 20343-x. S. No. 847.)**

On May 29, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Shenandoah Valley Coop. Milk Producers Assoc., Strasburg, Va., alleging that the article had been shipped from Strasburg, Va., on or about May 26, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 23, 1928, the Shenandoah Valley Cooperative Producers Assoc., Strasburg, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15907. Adulteration of henbane leaves. U. S. v. 1 Bale of Henbane Leaves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22510. I. S. No. 21246-x. S. No. 617.)**

On March 6, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 bale of henbane leaves at Baltimore, Md., alleging that the article had been shipped by McIlvaine Bros., Inc., from New York, N. Y., on or about February 4, 1928, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it yielded 19.15 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

On April 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15908. Misbranding of 999 nerve tonic and Prescription 999. U. S. v. 11 Boxes of 999 Nerve Tonic, et al. Default order of destruction entered. (F. & D. No. 22379. I. S. Nos. 2878-x, 2879-x. S. No. 448.)**

On January 26, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 boxes of 999 nerve tonic, and 11 boxes of Prescription 999, remaining in the original unbroken packages at Kansas City, Mo., alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about December 27, 1927, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled

in part:(999 nerve tonic) "The ingredients from which these capsules are compounded have been used and prescribed for years for run down systems and nervous disorders;" (Prescription 999) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubeb, copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended. \* \* \* after all signs of the disease have disappeared."

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; and that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and a fatty oil.

It was alleged in substance in the libel that the articles were misbranded in that the above-quoted statements, borne on the labels, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On August 1, 1928, no claimant having appeared for the property, a decree was entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15909. Misbranding of Dr. Musser's original capsules and Dr. Musser's red capsules. U. S. v. 9 Boxes of Dr. Musser's Original Capsules, et al. Default decree of confiscation and destruction entered. (F. & D. No. 22241. S. No. 279.)**

On December 3, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes of Dr. Musser's original capsules, and 11 boxes of Dr. Musser's red capsules at Clarksburg, W. Va., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., on or about November 3, 1927, and had been transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's original capsules contained volatile oils, including santal and nutmeg oils, and copaiba balsam; and that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded in that the statements upon the container of the said Dr. Musser's original capsules, to wit, "Dr. Musser's Capsules contain no harmful or dangerous drugs, will not injure the most delicate stomach," and the statements on the containers and in the circular inclosed with the said Dr. Musser's red capsules, to wit, (container) "Contains no harmful ingredients," (circular) "Contains no harmful ingredients and will not injure the most delicate stomach," were false and misleading.

Misbranding was alleged in substance for the further reason that the following statements borne on the containers of the articles, and in the accompanying circulars, to wit, (Dr. Musser's original capsules, container) "Inflammation of kidneys and bladder relieved. If directions are followed will effect a permanent relief in every case," (Dr. Musser's original capsules, circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. \* \* \* Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety, yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition, which further treatment would remove and prevent, returns which is more often quite necessary to continue the treatment for two or three weeks after all trouble seems to be removed. We can not impress too strongly the good effect of combining the use of Dr. Musser's Injection Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money, and inconvenience saved," (Dr. Musser's red capsules, container) "Scientific remedy for all blood disorders," (Dr. Musser's red capsules, circular) "A modern and scientific remedy which thoroughly searches out



all impurities in the blood. \* \* \* Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples, and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite and helping the stomach and intestines to care for the food so that the best nourishment results. Help the \* \* \* kidneys to remove waste matter," were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. It was further alleged in the libel that the said Dr. Musser's original capsules contained, in a circular with which they were inclosed, a false and fraudulent statement regarding the said Dr. Musser's red capsules, which said false and fraudulent statements were intended to be read in connection with the said Dr. Musser's red capsules, which statements were as follows: "Dr. Musser's Red Capsules. This item is the last addition to Dr. Musser's famous remedies. Impure blood not only adds to the danger of Venereal Infection, but plays an important part in retarding the cure, and if a prompt and satisfactory cure can not be had it is certain that the cause is impure blood. In any case during the course of the disease, or after, Red Capsules help the cure and put the system in condition to prevent return. We do not claim them as a cure for constitutional conditions, but do claim that they will relieve or at least keep the system in good condition. In ordinary cases of chancres, if burned with caustic, Red Capsules will do much toward preventing infection. Red capsules are an elegant tonic, giving vim and energy, clearing the skin and developing a natural appetite. All these tonic qualities do much to restore lost manhood."

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the products subject to confiscation and ordering that they be destroyed by the United States marshal:

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15910. Misbranding of Dr. Musser's injection Rx 500, Dr. Musser's red capsules, and Dr. Musser's original capsules. U. S. v. 12 Bottles of Dr. Musser's Injection Rx 500, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22240. S. No. 165.)**

On December 8, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 bottles of Dr. Musser's injection Rx 500, 11 boxes of Dr. Musser's red capsules, and 26 boxes of Dr. Musser's original capsules, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., in part on or about May 14, 1927, and in part on or about July 27, 1927, and had been transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Musser's injection Rx 500 consisted essentially of a solution of boric acid and zinc sulphate in water, colored with a yellow dye; that Dr. Musser's original capsules contained volatile oils, including santal and nutmeg oils, and copaiba balsam; and that Dr. Musser's red capsules contained compounds of arsenic, iron, calcium, and strychnine, and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Dr. Musser's injection Rx 500, carton) "An Antiseptic Wash for all Forms of Membrane Inflammation. Guaranteed not to do harm, yet so effective that improvement is seen after a few injections or applications \* \* \* Dr. Musser's Injection Rx is a modern and scientific remedy for all stages of Membrane Inflammations. It positively will not do harm, and when used as directed will stop suffering and pus formations in one or two days. It is a companion of Dr. Musser's Capsules and the combined treatment is a boon to the suffering manhood;" (Dr. Musser's red capsules, carton) "Scientific remedy for all blood disorders;" (circular) "A modern and scientific remedy which thoroughly searches out all impurities in the blood \* \* \*. Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples, and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite, and helping the stomach and intestines to care for the food so that best nourishment results;" (Dr. Musser's



original capsules, container) "Inflammation of Kidneys and Bladder Relieved. If directions are followed, will effect a permanent relief in every case;" (circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety, yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition, which further treatment would remove and prevent, returns which is more severe and stubborn to cure than the original condition. It is often quite necessary to continue the treatment for two weeks after all trouble seems to be removed. We cannot impress too strongly the good effect of combining the use of Dr. Musser's Injection Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money, and inconvenience saved."

On May 10, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15911. Adulteration and misbranding of Rheu-Salic tablets, heart tonic tablets, laxative cold tablets, rheumatic compound, Migratone, anti-rheumatic tablets, Methalgine Comp. tablets, diarrhoea tablets, Methalgine Comp. capsules and sodium salicylate tablets. U. S. v. Waterbury Chemical Co. Plea of guilty. Fine, \$1,000. (F. & D. No. 22555. I. S. Nos. 6332-x, 6333-x, 6334-x, 7712-x, 7714-x, 7716-x, 7737-x, 7739-x, 7767-x, 7769-x.)**

On May 24, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Waterbury Chemical Co., a corporation, trading at New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about July 20, 1926, from the State of New York into the State of Pennsylvania, of quantities of Rheu-Salic tablets, heart tonic tablets, and laxative cold tablets, on or about August 7, 1926, from the State of New York into the State of Maryland, of quantities of Methalgine Comp. capsules and sodium salicylate tablets, on or about September 24 and November 9, 1926, respectively, from the State of New York into the State of Maine, of quantities of rheumatic compound, Migratone, anti-rheumatic tablets, Methalgine Comp. tablets, and diarrhoea tablets, which said products were adulterated and misbranded. The articles were labeled in part, variously: "Poison Rheu-Salic Acetphenetidin 2 Grs. \* \* \* Magnesium Salicylate 3 Grs. \* \* \* Waterbury Chemical Co. Des Moines New York Toronto;" "Heart Tonic Tablets \* \* \* Nitroglycerin 1-100 Gr.;" "Laxative Cold Tablets Acetanilid 1 Gr. Quinine Sulphate 1 Gr.;" "Waterbury's Rheumatic Compound (Simirheuma) \* \* \* Sodium Salicylate (True) 40 Grs. In Each Fluid Ounce;" "Migratone \* \* \* Each Fluid Ounce Contains \* \* \* Caffein 7 Grains;" "Anti-Rheumatic Tablet Acid Salicylic 3 Gr.;" "Methalgine Comp. Modified (Anti-Pain) \* \* \* Morphine Sulph 1-20 Gr.;" "Diarrhoea Tablets Morphine Sulph. 1-20 Gr.;" "Waterbury's Methalgine Comp. (Capsulated) Anti-Pain Morphine Sulph. 1-20 Gr. Acetanilid 1 Gr. Acetphenetidin 1 Gr. \* \* \* Sod. Salicylate 2 Gr.;" "Compressed Tablets Sodium Salicylate 5 Grains."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the Rheu-Salic tablets was represented to contain 2 grains of acetphenetidin and 3 grains of magnesium salicylate, whereas each of said tablets contained not more than 1.55 grains of acetphenetidin and not more than 1.49 grains of magnesium salicylate; each of the heart tonic tablets was represented to contain 1/100 grain of nitroglycerin, whereas each of said tablets contained not more than 0.00031 grain (1/3200 grain) of nitroglycerin; each of the laxative cold tablets was represented to contain 1 grain of acetanilid and 1 grain of quinine sulphate, whereas each of said tablets contained not more than 0.656 grain of acetanilid, and not more than 0.654 grain of quinine sulphate; each fluid ounce of the rheumatic compound was represented to contain 40 grains of sodium salicylate, whereas each fluid ounce contained not more than 29.73 grains of sodium salicylate; each

fluid ounce of the Migratone was represented to contain 7 grains of caffein, whereas each fluid ounce contained not more than 3.67 grains of caffein; each anti-rheumatic tablet was represented to contain 3 grains of salicylic acid, whereas each of said tablets contained not more than 0.789 grain of salicylic acid; each of the Methalgine Comp. tablets was represented to contain 1/20 grain of morphine sulphate, whereas each of said tablets contained not more than 0.011 grain of morphine sulphate; each of the diarrhoea tablets was represented to contain 1/20 grain of morphine sulphate, whereas each of said tablets contained not more than 0.0292 grain of morphine sulphate; each of said Methalgine Comp. capsules was represented to contain 1/20 grain of morphine sulphate, 1 grain of acetanilid, 1 grain of acetphenetidin, and 2 grains of sodium salicylate, whereas each of said capsules contained not more than 0.0226 grain of morphine sulphate, not more than 0.125 grain of acetanilid, not more than 0.418 grain of acetphenetidin, and not more than 0.883 grain of sodium salicylate; and each of said compressed sodium salicylate tablets was represented to contain 5 grains of sodium salicylate, whereas each of said tablets contained not more than 4.276 grains of sodium salicylate.

Misbranding of the articles was alleged for the reason that the statements, to wit, "Acetphenetidin 2 Grs. \* \* \* Magnesium Salicylate 3 Grs. \* \* \* Tablets \* \* \*" with respect to the Rheu-Salic tablets, "Tablets \* \* \* Nitroglycerin 1/100 Gr." with respect to the heart tonic tablets, "Tablets Acetanilid 1 Gr. Quinine Sulphate 1 Gr.," with respect to the laxative cold tablets, "Sodium Salicylate (True) 40 Grs. in each fluid ounce," with respect to the rheumatic compound, "Each fluid ounce contains \* \* \* Caffein 7 Grains," with respect to the Migratone, "Acid Salicylic 3 Gr.," with respect to the anti-rheumatic tablets, "Morphine Sulph. 1/20 Gr. \* \* \* tablet \* \* \*" with respect to the Methalgine Comp. tablets, "Morphine Sulph. 1/20 Gr. \* \* \* Tablet," with respect to the diarrhoea tablets, "Morphine Sulph. 1/20 Gr. Acetanilid 1 Gr., Acetphenetidin 1 Gr. \* \* \* Sod. Salicylate 2 Gr. \* \* \* Capsule \* \* \*," with respect to the Methalgine Comp. capsules, and "Tablets Sodium Salicylate 5 Grains," with respect to the sodium salicylate tablets, borne on the labels, were false and misleading in that the said statements represented that the articles contained the above ingredients in the amounts declared on the labels, whereas the said articles contained less of the said ingredients than declared on the labels.

On June 11, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,000.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15912. Adulteration and misbranding of tincture belladonna leaves, strychnine sulphate tablets, calomel tablets, nitroglycerin tablets, morphine sulphate tablets, and codeine sulphate tablets.**  
U. S. v. Frank G. Scott. Plea of guilty. Fine, \$350. (F. & D. No. 19797. 1. S. Nos. 1653-x, 1656-x, 1660-x, 1661-x, 1662-x, 1666-x, 1669-x.)

On July 7, 1927, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank G. Scott, Detroit, Mich., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 3, 1925, from the State of Michigan into the State of Illinois, of quantities of tincture belladonna leaves, strychnine sulphate tablets, calomel tablets, nitroglycerin tablets, morphine sulphate tablets, and codeine sulphate tablets, which were adulterated and misbranded. The articles were labeled in part, variously: "Tinct. Belladonna Leaves, U. S. P. Standard 0.03% Mydriatic Alkaloids Guaranteed by Frank G. Scott under the Food and Drugs Act June 30, 1906;" "Strychnine Sulphate 1/40 Grain T. T.;" "Calomel Aromatic Each Tablet represents—1/4 Grain;" "Nitroglycerin 1/100 Gr. \* \* \* Guaranteed under the Food and Drugs Act, June 30, 1906;" "Nitroglycerin 1/60 Gr. \* \* \* Guaranteed under the Food and Drugs Act, June 30, 1906;" "T. T. Morphine Sulph 1/2 Grain;" "Codeine Sulph 1 Gr. \* \* \* Frank G. Scott, Pharmaceutical Chemist, Detroit, Mich."

Analyses of the articles by this department showed that the tincture belladonna leaves yielded not more than 0.0192 gram of the total alkaloids of belladonna per 100 c. c.; the strychnine sulphate tablets, labeled "1/40 grain," contained not more than 1/46 grain of strychnine sulphate per tablet; the calomel tablets, labeled "1/4 grain," contained not more than 1/5 grain of calomel per tablet; the nitroglycerin tablets, labeled "1/100 grain," contained not more than



$\frac{1}{2000}$  grain of nitroglycerin per tablet; the nitroglycerin tablets, labeled " $\frac{1}{50}$  grain," contained not more than  $\frac{1}{1785}$  grain of nitroglycerin per tablet; the morphine sulphate tablets, labeled " $\frac{1}{2}$  grain," contained not more than  $\frac{2}{5}$  grain of morphine sulphate per tablet; and the codeine sulphate tablets, labeled "1 grain," contained not more than  $\frac{3}{4}$  grain of codeine sulphate per tablet.

It was alleged in the information that the tincture belladonna leaves was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard and strength, quality and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article, in that it yielded less than 0.027 gram of the total alkaloids of belladonna leaves per 100 mils, to wit, 0.0192 gram of the total alkaloids of belladonna leaves per 100 mils, whereas said pharmacopoeia provided that tincture of belladonna leaves should yield not less than 0.027 gram of the total alkaloids of belladonna leaves per 100 mils, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the said tincture belladonna leaves was alleged for the reason that the statements, to wit, "Tinct. Belladonna Leaves, U. S. P.," "Standard 0.03% Mydriatic Alkaloids," and "Guaranteed by Frank G. Scott under the Food and Drugs Act, June 30, 1906," borne on the label, were false and misleading in that the said statements represented that the article was tincture belladonna leaves which conformed to the test laid down in the United States Pharmacopoeia, that it contained 0.03 per cent of mydriatic alkaloids and conformed with the food and drugs act of June 30, 1906, whereas it was not tincture belladonna leaves which conformed to the test laid down in said pharmacopoeia, it did not contain 0.03 per cent of mydriatic alkaloids but did contain a less amount, and it did not conform to the said food and drugs act. Misbranding was alleged for the further reason that the said tincture belladonna leaves contained alcohol and the package failed to bear a statement on the label of the quantity and proportion of alcohol contained therein.

Adulteration of the said tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold in that the labels represented the said tablets to contain  $\frac{1}{40}$  grain of strychnine sulphate,  $\frac{1}{4}$  grain of calomel,  $\frac{1}{100}$  grain of nitroglycerin,  $\frac{1}{50}$  grain of nitroglycerin,  $\frac{1}{2}$  grain of morphine sulphate or 1 grain of codeine sulphate, as the case might be, whereas each of the said tablets contained less of the product than represented on the label thereof.

Misbranding of the said tablets was alleged for the reason that the statements, to wit, "Strychnine Sulphate  $\frac{1}{40}$  Grain T. T.," "Calomel \* \* \* Each tablet represents  $\frac{1}{4}$  Grain," "Nitroglycerin  $\frac{1}{100}$  Gr.," "Nitroglycerin  $\frac{1}{50}$  Gr.," "T. T. Morphine Sulph.  $\frac{1}{2}$  Grain," and "Codeine Sulph. 1 Gr.," as the case might be, borne on the labels of the respective products, were false and misleading in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared. Misbranding of the nitroglycerin tablets was alleged for the further reason that the statement, to wit, "Guaranteed under the Food and Drugs Act, June 30, 1906," borne on the label, was false and misleading in that the said statement represented that the article conformed to the food and drugs act of June 30, 1906, whereas it did not.

On November 8, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15913. Misbranding of Sannette. U. S. v. 3 Dozen Packages of Sannette. Default decree of destruction entered. (F. & D. No. 21412. I. S. No. 2748-x. S. No. C-5266.)**

On November 27, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen packages of Sannette, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Sannette Chemical Co., from Cincinnati, Ohio, on or about November 6, 1926, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc salts, alum, and boric acid with small amounts of methyl salicylate, phenol, and menthol.



The article was labeled in part: (Package) "Antiseptic \* \* \* Prepared especially for vaginal douche. Superior to Bichloride, Permanganate of Potash or the Cresol compounds. Indications—Leucorrhea, Gonorrhea, Vaginitis, Vulvitis, Metritis, Cervicitis, etc. Relieves any condition characterized by odor, inflammation, or discharge. \* \* \* Directions—As a douche: One teaspoonful of the powder to two quarts of warm water;" (circular) "Antisept. \* \* \* Antiseptic. \* \* \* It provides the elements necessary to make a mild antiseptic solution \* \* \* antiseptic \* \* \* Antiseptic a high germicidal value \* \* \* full germicidal value \* \* \* the superiority of Sannette \* \* \* efficacious \* \* \* In the treatment of all forms of uterine, cervical, and vaginal inflammation, all authorities agree on the beneficial effects of the warm vaginal irrigation. Pus, mucous, shreds, and all the products of inflammation are washed out \* \* \* the \* \* \* healing effect of Sannette solution is extremely grateful. The powder in solution is of great value in the treatment of all inflammations of the female generative tract, including acute and chronic metritis. Indeed, in these conditions the use of Sannette solution as an intra-uterine irrigation is of marked effect. In cervicitis and vaginitis, regardless of the aetiological factors, Sannette solution is beneficial and materially aids the physician in his treatment of these conditions. In leucorrhoea and gonorrhea, the Sannette douche is extremely useful. The excoriating and acrid discharge \* \* \* is removed. The germicidal action of Sannette solution tends to prevent the further invasion of the pathogenic bacteria, corrects the intensely alkaline reaction and removes the products of inflammation. \* \* \* Sannette will prove of great value in the treatment of these conditions \* \* \* of a mildly antiseptic \* \* \* nature \* \* \* the physician is urged to advise the use of Sannette in these cases. Its mild antiseptic properties—will be appreciated \* \* \* One teaspoonful of Sannette to two quarts of warm water is the requisite strength for the douche;" (seal) "Healing \* \* \* Antiseptic."

It was alleged in substance in the libel that the article was misbranded in that statements on the labels, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the aforesaid statements.

On December 28, 1927, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15914. Adulteration and misbranding of Vego-Fruto. U. S. v. 5½ Dozen, et al., Cartons of Vego-Fruto. Default decree of destruction entered. (F. & D. No. 22497. I. S. No. 13225-x. S. No. 603.)**

On May 4, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5½ dozen 50¢ size, 45 dozen 25¢ size, and 8 dozen 10¢ size cartons of Vego-Fruto, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the M. & O. Manufacturing Co., from Seattle, Wash., on or about August 18, 1927, and had been transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of plant materials, including figs and senna.

It was alleged in the libel that the article was adulterated in that it contained senna, an added deleterious ingredient, which might have rendered it injurious to health.

It was further alleged in the libel that the article was misbranded in that the following statements, borne on the labels, were false and misleading: (Carton, 50¢ size) "Fruit and raw vegetable food—Vego-Fruto without drugs;" (carton, 10¢ size) "Fruit cubes;" (circular) "Vego-Fruto intended to mean Fruits and Vegetable product. \* \* \* The only one registered with the United States Government as such a 'Vego-Fruto' \* \* \* without drugs \* \* \* Vego-Fruto contains concentrated and consolidated fruits and raw vegetable product, \* \* \* perfect child's nourishing food laxative, \* \* \* absolutely pure and nutritious fruit and vegetable content. Many of the most drastic drugs are made from vegetables and herbs, so do not accept any substitute for Vego-Fruto, or be deceived by remedies claimed to be only herb or

purely vegetable cathartics, etc. Vego-Fruto as a food costs no more than other choice delicacies \* \* \*. One bar of Vego-Fruto may equal as food for that of two oranges. Is equal to a pound of fruit or to castor oil as a laxative if taken as nature intended \* \* \*. Vego-Fruto—Vitamin 'Food Laxative'—contains none of the poisonous drugs made from vegetables and what is claimed to be harmless remedies from nature's herbs, etc., nor is it like tablets or any form of pills of which your doctor should tell you to beware \* \* \*. Nature's way is the best—Get the Vital Vitamins necessary in your food each day; Vego-Fruto has calories of the right vitamins needed in the proper diet. No drugs should be taken for constipation when possible to prevent it. Very few, if any, people eat enough raw fresh vegetables."

Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Cartons, all sizes) "For good health;" (carton, 50¢ size) "Vitality Vitamines. Preserve the youthful vigor and vitality Eat Vego-Fruto food. If strong and healthy then eat ½ bar with each meal;" (carton, 25¢ size) "Vego-Fruto stimulates the intestinal muscles thereby proving of lasting benefit to the whole family;" (carton, 10¢ size) "Vego-Fruto sweetens the stomach, liver, bowels. In the morning you will be pleasantly surprised to find yourself feeling unusually fit, your languid feeling has disappeared for the delicious fruit cubes have assisted your digestive organs, worked upon your liver \* \* \* helping to keep them in a healthy condition, and you start a new day refreshed and invigorated;" (circular) "The vital \* \* \* food. \* \* \* eat about one-half (½) a bar of Vego-Fruto with each meal to furnish the body the Vital Vitamines necessary for correcting the liver, aiding digestion, to relieve acid stomach and gas, and to give new energy and pep, and keep free from constipation's deadly poisons; Vego-Fruto forms no habit but the health habit \* \* \* Vego-Fruto will neither reduce or increase your weight, but if your glands and organs are properly working then nature will reduce your weight as low as you wish if you omit sufficient fat producing foods—also with proper glands, etc., doing the work you may increase your weight—\* \* \* proper food strengthens the body if kept healthy with Vego-Fruto. Vego-Fruto sweetens the stomach, acts on the liver, and with proper diet and sufficient exercise, etc., perpetuated, will absolutely regulate the bowel action. Vego-Fruto will relieve children of worms and help to regulate their system. Try it for dizziness and for settling the stomach, with or without your favorite drink, or with water—For acid stomach and for quieting the nerves. Try it for headache, morning or evening, and for restoring your youthful energy, and for putting you up on your toes and for that tired feeling caused by an inactive liver; for bleeding, or any form of piles, or anything affecting the food. Doctors with high standards who have personally tried Vego-Fruto and eminent authorities quoted internationally, with records to show at our office, state—that Vego-Fruto is \* \* \* good for improving the digestion, and \* \* \* that It Is A Wonder—that if we eat three (3) times a day that the bowels should act three times \* \* \* and many equally important statements, including—That in all cases Vego-Fruto should prevent nausea following pregnancy and—that if expectant mothers would eat a proper amount of Vego-Fruto there would be no constipated babies. For adults, in cases of severe colds \* \* \* and headache."

On June 12, 1928, no claimant having appeared for the property, judgment was entered finding the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15915. Misbranding of Bowman's abortion remedy. U. S. v. 19 Boxes of Bowman's Abortion Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20411. I. S. No. 2122-x. S. No. E-5207.)**

On September 12, 1925, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 boxes of Bowman's abortion remedy at Wheeling, W. Va., alleging that the article had been shipped by the Eric Bowman Remedy Co., Owatonna, Minn., on or about August 10, 1925, and transported



from the State of Minnesota into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a mixture of wheat shorts and brown sugar, with traces of compounds of calcium and sulphur, and a phenolic substance.

It was alleged in substance in the libel that the article was misbranded in that the boxes containing the said article bore the following statements regarding the curative and therapeutic effects of the article and the ingredients and substances contained therein, "Bowman's Abortion Remedy \* \* \*. This package contains one 9½-lb. treatment of Bowman's Abortion Remedy. Read the Directions carefully before administering," which said statements regarding the curative and therapeutic effect of the article were false, fraudulent, and misleading, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed."

On April 4, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15916. Misbranding of spring water. U. S. v. 15 Bottles, et al., of Spring Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22420. I. S. No. 23485-x. S. No. 499.)

On February 6, 1928, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 five-gallon bottles, and 420 one-gallon bottles of spring water, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Dynell Spring Water Co., from Taylor's Park, Ill., January 19, 1928, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bottle label bore statements regarding the curative and therapeutic effects of the said article which were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. The statements on the bottle label were as follows: "A Natural Laxative \* \* \* Every Physician will at once recognize and attest to the healing qualities of the above minerals. \* \* \* To Reduce: Drink Dynell Water \* \* \* Is Recommended by All Good Doctors \* \* \* A Marvelous Stomach Water Recommended in the treatment of Chronic Constipation, Ulcerated Stomach, Torpid Liver, High Blood Pressure, Rheumatism, Gastritis, Neuritis, Gout, Weak Kidneys, Gall Stones, Catarrh of the stomach and Bowels, Acid Stomach, Bright's Disease, Diabetes, and Arthritis and as a Diuretic when taken in large quantities. \* \* \* In cases of chronic constipation \* \* \* In cases of gastritis." It was further alleged in the libel that the bottle label bore the statement, "Testimonials furnished upon request," that these testimonials were contained in a booklet entitled "Health in Water," and that the article was further misbranded in that, in addition to said testimonials, other statements appeared in the said booklet in regard to the therapeutic and curative effect of the article which were false and fraudulent. The said statements were as follows: "Health in Water. Drink your Way to Health \* \* \* Medicinal Water \* \* \* Be Well—Drink Dynell. Good health is a priceless blessing. We congratulate the favored one in every five of our fellow-beings who possess it. But the question that has long sought a practical, satisfying solution is how the remaining four-fifths may also enjoy life at its best. This is our answer. It holds forth the key to perfect health. After you have read it, it will be your own fault if you continue to suffer or be inconvenienced by any of the numerous distressing ills that are directly traceable to the digestive and eliminative organs. Constipation—The Chief Enemy of Your Health. Your doctor will tell you that three-fourths of all human ills originate in constipation. Constipation is one of our most insidious foes. If not checked in time, it undermines the most vital parts of your anatomy, until it eventually produces almost complete stagnation. This causes the gradual, but certain, absorption by the system of deadly poisons that drain the blood of its life-saving properties. Your Loyal Champion. But the situation is not as hopeless as it seems. Constipation is

as unnecessary as it is widespread and ruthless in its ravages. Speedy relief is available to all. Back to Nature Compounded in Nature's own laboratory, 300 feet below the earth's surface, purified by filtration through eighty feet of solid bed rock, untouched by human hands, flows—Dynell Pure Natural Spring Medicinal Water Careful analyses of Dynell Water, made by disinterested chemists of recognized authority and officially certified, disclose a far greater content of health-restoring minerals \* \* \* system responds to its gentle, cleansing, healing action. Dynell Works Fast and Sure. Dynell Water relieves the most obstinate cases of constipation. At the same time you will be freed of all the associated disorders of liver, kidney, stomach, and intestines. One glass of Dynell Water instantly sweetens the stomach. It neutralizes the evil effects of acid by rendering the stomach alkaline. Drink it at the very first sign of fullness and heaviness after meals. Are you troubled with belching? Stop it with a glassful of Dynell. Does heartburn pain and annoy you? Drink Dynell. Are you forced to deny yourself the pleasure of indulging in your favorite dishes for fear of sour risings? Eat and be merry—they will never inconvenience you if you drink Dynell. All these are the out-croppings of indigestion which quickly develops into chronic dyspepsia if not checked in the early stages. That Deadly Poison Gas. Unnatural decomposition of undigested food creates gas in the stomach and bowels. That oppressive feeling of suffocation which unfits you for work or play, and from which there seems to be no escape, is caused by the pressure of this gas on heart and lungs. The extreme danger of prolonging this condition is too obvious to require more than passing mention. Dynell Water quickly restores the digestive and eliminative organs to their normal strength and activity. It affords immediate relief in advanced cases by expelling the gas and soothing the affected muscles and nerves. \* \* \* Dynell Pure Natural Spring Medicinal Water cleanses the system and stimulates healthy functioning of all disordered parts \* \* \* Dynell Water \* \* \* so powerful in its action. \* \* \* By actual expert count there are exactly 2604.63 cleansing, blood-reddening, body-building health units in every glass of Dynell Pure Natural Spring Medicinal Water. \* \* \* Exceptional Cleansing and Curative Properties of Dynell Pure Natural Spring Water \* \* \* Every physician will at once recognize and attest to the healing qualities of the above minerals. \* \* \* Ammonium Chloride is a heart and nerve stimulant \* \* \* ammonium chloride as found in Dynell Spring Water tends to carry water to tissue and increase osmosis (diffusion of fluids through membranes). Potassium Chloride makes fibrine, when it is deficient in the body, the blood fibrine thickens, causing pleurisy, pneumonia, diphtheria, etc. When a person dies of embolus or heart failure, so called, it is usually because little lumps or balls (formed by potassium chloride) have grown, clogging ventricles and auricles of the heart. Will dissociate themselves in the body. The nitrates will unite with other salts and organic elements to make nerve and muscle. The sodium will associate with other salts to form other compounds—neutralize acids. It unites with the phosphoric acid to form sodium phosphate, a positive alkaline. It eliminates carbon dioxide from the system. Regulates the quantity of water in one's body, hence is good in cases of dropsy to carry off excess of water in body because it is usually the lack of sodium sulphate that causes dropsy. The much abused liver can not get along without it. When brownish green or grayish green coating forms at root of tongue, jaundice, bilious headache, and diabetes are liable to result, for the liver is at fault and calls for sodium sulphate. Sodium sulphate is also a tonic. Magnesium Sulphate \* \* \* You lovers of candy, refined sugar and white flour products need this salt. \* \* \* Calcium Sulphate Cleans out the accumulation of hetrophasm lying in the spaces between the tissues. A deficiency of this salt allows suppuration of thick, heavy yellow pus or matter, boils, ulcers diseases to continue too long. One of Nature's best remedies for boils, pimples and so forth. Is very necessary for the growing child to make bone. It also unites with phosphoric acid to form calcium phosphates, one of the finest positive alkaline salts so necessary to build a healthy, strong body \* \* \* Or oxidized iron, carries oxygen in the blood through the body. When one's blood is deficient in iron, the pneumogastric functions, also the several different glands throughout the body slow down, then the body functions become slower, consequently one or more symptoms of illness follow. Aluminum Oxide \* \* \* When one does not have any symptoms of organic



disease, just don't feel right, frequently only needs this salt to put them right again. But in the more pronounced pathological (diseased) condition, a constrictive feeling, creeping numbness, and nervous prostration may develop. \* \* \* How to Keep Well. Whenever you have a headache, or feel dizzy, or your stomach is weak and sore, at the first sign of sour stomach or heart-burn or nervousness or inactive bowels, drink a glassful of Dynell Water. Repeat in one hour if necessary. How to Get Well. For Indigestion and Constipation Drink \* \* \* Dynell Water \* \* \* For Chronic Constipation—Drink one or two glasses of Dynell Water before retiring, in addition to the quantity indicated for indigestion and constipation. For Gastritis—Immediate results will follow the drinking of one glass of Dynell Water as hot as you can take it. To reduce—Drink Dynell Water one hour before and after every meal \* \* \* Dynell Water is recommended in the treatment of Chronic Constipation, Ulcerated Stomach, Torpid Liver, High Blood Pressure, Rheumatism, Gastritis, Neuritis, Gout, Weak Kidneys, Gall Stones, Catarrh of the Stomach and Bowels, Acid Stomach, Bright's Disease, Diabetes, Arthritis, Bladder Trouble, Hardening of the Arteries, Indigestion and Dyspepsia, and as a Diuretic when taken in large quantities. Are You Fat? Get rid of Your Overweight this Safe, Easy, and Convenient Way. As a reducing agent Dynell Water \* \* \* it tones up the entire system by gradually and gently dissolving the fatty tissue, stimulating the circulation, and fortifying the system against attack by disease. It requires no weakening diet or tiresome exercise of any kind. \* \* \* The Perfect Natural Laxative and Aid to Digestion \* \* \* miraculously salutary, natural action of Dynell. Dynell Pure Natural Spring Medicinal Water is an efficient aid to digestion as well as a natural laxative. High livers and people of sedentary habits whose stomachs, livers, and kidneys have become sluggish through overwork or inaction, inducing acute distress after meals, may drink Dynell Water with complete assurance that their troubles will soon be at an end. \* \* \* 'Rejuvenation' takes on an entirely new meaning after the fifth gallon of Dynell. \* \* \* Pimples Disappear. Nothing in the lives of growing children is more embarrassing than a sallow, blotchy skin or a face disfigured with pimples. And nothing clears them up like Dynell Water. Dynell strikes directly at the source of the trouble. It facilitates the digestion of rich foods and promotes healthy circulation, enabling the blood to throw off the impurities that otherwise must find an outlet through the skin \* \* \* Many \* \* \* Were troubled Just as You Are Now. \* \* \* After You have Been Rejuvenated With Dynell \* \* \* rheumatism and chronic constipation \* \* \* Dynell water for high blood pressure has no equal, for to my own knowledge in less than three weeks it reduced the pressure of a friend of mine 90 points. Many of my friends who have suffered for years from stomach troubles are being restored to health \* \* \* Besides restoring myself to perfect health, my wife, who has suffered for years from arthritis, is gradually being benefited, and I feel certain a cure will be effected in her case although doctors have given her up as incurable. \* \* \* The Most Wonderful Discovery of the Age. \* \* \* My honest and sincere advice to all those who are suffering such troubles as Rheumatism, High Blood Pressure, Arthritis, Constipation, is Give Dynell Spring Water A Trial and you will simply be Amazed, as I was after searching for years for such a remedy, always hoping but never finding it, until by chance I just stumbled on the virtues of this Life Saving, God-Sent Blessing \* \* \* It's the Fountain Of Youth \* \* \* A Prominent Doctor of Chicago says \* \* \* I have recently had occasion to observe the beneficial effects of Dynell Water \* \* \* it unquestionably was instrumental in breaking up a case of gall stones \* \* \* the symptomatic benefits that have followed its use in gastric disorders, high blood pressure, certain forms of anemia and diabetes, catarrh of the stomach, and many other conditions. \* \* \* to renew the energies in our tissue cells \* \* \* In a medical sense it may well be termed the Fountain of Youth. \* \* \* very beneficial to my health. \* \* \* Last August I was taken to the hospital at Madison, having a blood pressure of 202, a dilated heart and kidney trouble and was flat on my back until I began to take the water \* \* \* Diabetes \* \* \* I started drinking Dynell Spring Water \* \* \* for Sugar Diabetes. \* \* \* it had helped her rheumatism \* \* \* try it for Diabetes. When I started drinking it my analysis taken showed 6% sugar but now the last couple of times did not have enough to make a test. \* \* \* hope anyone suffering from Diabetes will give it a trial. \* \* \* Constipation \* \* \* I have been bothered with

constipation for years and nothing gave me any permanent relief until I started drinking Dynell Spring Water \* \* \* My mother, who is 72 years old, has been bothered with nose bleed and a run down condition in general. She also has been greatly benefited by drinking Dynell \* \* \* Kidney trouble \* \* \* I have had two strokes of paralysis, which left me with numerous troubles, most kidney, bladder, and bowel. While in Chicago visiting my daughter I tried the water, and I can not speak too highly for what it has done for me. I have cast aside all medicines, and now depend on Dynell Spring Water only. \* \* \* Stomach Trouble \* \* \* I have been troubled with my stomach for a long time, but this water has done wonders for me. \* \* \* Neuritis \* \* \* Have been troubled with stomach trouble and neuritis for years and since taking the water am much improved. \* \* \* High Blood Pressure \* \* \* When I commenced taking Dynell I felt 'all in,' suffering from stomach trouble and high blood pressure, and I am mighty glad to attest that since drinking Dynell my stomach trouble has been eliminated \* \* \* chronic constipation \* \* \* with the usual complications."

On April 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

. ARTHUR M. HYDE, *Secretary of Agriculture.*

**15917. Misbranding of Vibunol Johnson. U. S. v. 60 Dozen Bottles of Vibunol Johnson. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22236. I. S. No. 14896-x. S. No. 275.)**

On December 1, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 dozen bottles of Vibunol Johnson at Ponce, P. R., alleging that the article was being offered for sale and sold in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, sugar, water, and 5.3 per cent of alcohol.

It was alleged in the libel that the article was misbranded in that the statement "Alcohol 15%," borne on the label, was false and misleading, and for the further reason that the article contained alcohol, the quantity of which was not plainly, conspicuously, and correctly stated upon the label. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton and bottle labels, English and Spanish) "Formerly known as Johnson's Female Regulator, constitutes an excellent pharmaceutical combination of the well-known uterine agents Viburnums Prun. and Opulus, Michella Repens, Aletris N. F., Caulophyllin Thalitroides, Anemus Pulsatilla, Etc., which in addition to other valuable uterine ingredients is offered to the profession as an ideal uterine tonic useful where a nervine or sedative is wanted to tone up the debilitated female organs, which condition causes painful menstruation or what is commonly known as female irregularities. Indications: Adults: Two teaspoonfuls in water three or four times a day before the menstrual period \* \* \* Formerly known as Johnson's Female Regulator Female Uterine Tonic Nervine \* \* \* For all functional ailments of the Uterus \* \* \* It tones up the debilitated female organs, stimulating the entire nervous system, soothing painful conditions caused by amenorrhea, dysmenorrhea, leucorrhoea, or menopause otherwise known as painful menstruation or female irregularities."

On January 3, 1928, E. B. Goico, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of without first having been properly relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*



**15918. Misbranding of Orange Blossom suppositories. U. S. v. 142 Packages of Orange Blossom Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22423. I. S. No. 17636-x. S. No. 484.)**

On February 9, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 142 packages of Orange Blossom suppositories, remaining in the original unbroken packages at San Francisco, Calif., consigned by Dr. J. A. McGill & Co., from Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about January 3, 1928, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid and alum in a petrolatum base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (On direction sheet in retail package) "If you experience a smarting with the first and perhaps the second application, go right on with it and the irritation will soon pass away. As soon as you feel a little better, do not stop the treatment, but go right on in order not to lose the good effects on what has been accomplished;" (on circular entitled "A free lecture to women" enclosed in the shipping package) "A famous preparation for disease peculiar to women. Every lady can treat herself \* \* \*. Some of the symptoms of Female Weakness. A tired, languid feeling, low spirited and despondent, with no apparent cause. Moth and yellow spots on the face—often called 'liver spots.' Dark rings around the eyes. Melancholy, with no ambition or desire to live, and with difficulty in keeping the tears back. Headache, pains in the back, pains across the lower part of abdomen, bearing-down pains with an inward feeling of pressure down and out. Leucorrhoea. Frequent urinations. Bladder difficulty, caused by pressure of womb against bladder. Constipation of bowels, caused by pressure of womb against rectum, often producing piles. Great soreness across lower part of bowels, and in region of ovaries, so that a slight pressure with the hand produces pain, and if allowed to go on in this condition the ovaries become involved by a sympathetic action, resulting in ovarian tumors, and with all these symptoms a very nervous feeling is experienced by the patient. Now follows congestion of womb, inflammation of womb, ulceration of womb, falling of womb forward, backward, and downward. This inflammatory action produces an enlargement of the organ so that the ligaments supporting it are no longer able to retain it in position. The Orange Blossom treatment allays this inflammation, giving the patient great relief, and with every application of the Suppository the patient will notice when she takes a warm water injection there will be quite a lot of waste material pass away, some in the form of tissue paper or like the lining of a chicken's gizzard and other matter which shows the Orange Blossom is doing its work, for if it did not bring away any waste material it would prove that you did not require the treatment and the Suppository would come away just as when you inserted it \* \* \* to enable you to understand the reason for your sufferings, also the action and use of the Suppositories, I write the following: \* \* \* in many cases, but for a supporter worn by the patient, the womb would come out into the world. This is all wrong and no wonder you suffer with the backache, headache, and so many other aches and pain, that at times you care little whether you live or die. Now let me explain the cause of this trouble, and in order to make it plain to you, I will illustrate it in this way: When your finger is inflamed and sore, we will say with a felon or from some other cause, isn't it larger than when in its natural condition, and double its natural size and weight? Most certainly. Now, the womb becomes inflamed and enlarged in a similar manner and this inflammation goes on to congestion, the walls of the womb grow heavy with congested blood or serum, which is a dropsical effusion, until the womb becomes so large that those cords that hold it in place are no longer able to keep it there and it must necessarily drag down of its own weight, pulling on the cords from the spine, causing the pain in the back and soreness across lower part of bowels. The womb being so enlarged and out of place crowds against the rectum or back passage, causing constipation, and the straining necessary to have a passage of the bowels often produces piles. Again, when the womb is so enlarged it tips forward and against the bladder causing

frequent urination with a burning and scalding sensation. It also presses against the spinal nerve which leads to the head-center of the whole nervous system and these little nerves running to the brain cry out in the form of headache, despondency, and often, if neglected, insanity. In fact this diseased condition of the womb is the direct cause of much of the suffering of women. Now, let me ask you a question to make the action of the suppository treatment plain to you. When you have a felon or an inflamed finger from any cause do you go right to a drug store and buy some medicine and expect it to take that swelling down and allay the inflammation? No, you apply a poultice, if you are wise, for medicine taken internally will not meet the case. Very well, the Orange Blossom Suppository acts in a similar manner, mildly drawing away the serum or water substance and all diseased conditions by allaying the inflammation and congestion which causes all of this trouble. The Orange Blossom application of the suppository reduces the inflammation and also the size of the womb, and in due time as it grows less weighty it will go back into its natural position, and you will exclaim as hundreds of women have, 'O, I feel like a different woman!' Now as you undoubtedly have been many years getting into this diseased condition, do not expect one box of Orange Blossom, which is only one month's treatment and costs but little, to undo the work of all those years, so I ask you just to give the Orange Blossom treatment a fair trial. It requires three days after the Suppository has been applied for it to do its work \* \* \*. The Suppository will produce no pain when applied, unless there is ulceration, but if there is you will experience a smarting with the first and perhaps the second application, but go right on with it and that will soon pass off. The very fact that you experience smarting proves there is ulceration or granulation of the womb, and so the more need of the treatment; for if there were no ulcers you would experience no pain, as this has been proven in many cases. You could not apply anything to a sore and not have it smart; and ulcers are nothing more nor less than sores on the neck and sometimes on the body of the womb. This treatment will give relief and after two or three applications you will experience no further pain. As soon as you feel a little better, do not stop the treatment, but use a little common sense in the matter, and use the Suppositories regularly so as not to lose the good effect of one treatment before using another. In cases of profuse menstruation (flooding), the Suppositories work by causing contraction of the blood vessels, so that the flow becomes natural \* \* \*. In cases of Painful Menstruation, caused by congestion and inflammation of the mouth or neck of the womb, a few applications of the Suppositories will relieve this unnatural condition. In cases of Pregnancy, the Suppositories may be safely used up to the fourth month, thereby relieving the womb of any inflamed or congested condition, consequently relieving the patient of much suffering at childbirth. In cases of Change of Life, the Suppositories will relieve the organ of the morbid conditions that have been in existence for years. Their special action gives health and strength to the whole constitution, producing a healthy reaction of the whole nervous system. In cases of Leucorrhoea or the Whites, we can recommend the Suppositories. In cases of Reflex Action of the Nerves, produced by this diseased condition of the womb, the following symptoms are more or less prominent in every case: Nervous sick headache, irritation of the stomach, spinal irritation, pain between the shoulders, distressing sensation in the back of the head, nape of the neck, and numbness and coldness of the extremities. In these cases the Suppositories will give relief by their action on the womb. Dr. J. A. McGill's Suppositories Orange Blossom are a valuable preparation for the following diseases: Inflammation, Congestion and Falling of the Womb, Anteversion, Retroversion and Prolapsus, Ulceration, Leucorrhoea, Profuse and Difficult Menstruation. The Suppository treatment \* \* \* works like a charm, often removing pain with the first application, from which the patient may have suffered for months. Many ladies bear testimony to the truth of this statement, who have been benefited by the use of it."

On June 1, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15919. Adulteration of scallops. U. S. v. 3 Boxes of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22418. I. S. No. 21570-x. S. No. 450.)**

On January 14, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in



the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes containing 25 gallons of scallops, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., Morehead City, N. C., on or about January 11, 1928, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15920. Adulteration of frozen eggs. U. S. v. 52 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22506. I. S. No. 20956-x. S. No. 631.)**

On March 5, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 52 cans of frozen eggs, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Shirley B. Eades, Indianapolis, Ind., February 2, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15921. Adulteration of canned frozen whole eggs. U. S. v. 39 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22620. I. S. No. 20961-x. S. No. 644.)**

On March 9, 1928, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 39 cans of frozen whole eggs, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Swift & Co, Jersey City, N. J., February 24, 1928, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 3, 1928, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$550, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15922. Adulteration and misbranding of butter. U. S. v. 12 5/6 Boxes of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22879. I. S. No. 20185-x. S. No. 902.)**

On June 23, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 5/6 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Washington County Creamery Co., Abingdon, Va., alleging that the article had been shipped from Abingdon, Va., on or about June 20, 1928, and had been transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the label bore the following statements regarding the article, "Dixie Brand Fancy Creamery Butter, Highest Quality, One Lb. Net Wt.," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct and was not in correct form.

On July 14, 1928, the Washington County Creamery Co., Abingdon, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15923. Adulteration of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22897. I. S. No. 15990-x. S. No. 936.)

On June 14, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 46 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Lineville Creamery Co., from Lineville, Iowa, June 12, 1928, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that the said article contained less than 80 per cent of butterfat.

On June 22, 1928, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed to raise the butterfat content to not less than 80 per cent.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15924. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22899. I. S. No. 24828-x. S. No. 918.)

On June 28, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clover Creamery Co., East Radford, Va., alleging that the article had been shipped from East Radford, Va., on or about June 27, 1928, and had been transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was



alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 2, 1928, M. Wildstein, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15925. Adulteration and misbranding of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22900. I. S. No. 21494-x. S. No. 917.)**

On June 28, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co., from Cresco, Iowa, June 21, 1928, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 19, 1928, Hans Larson, trading as the Farmers Creamery Co., Cresco, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15926. Adulteration and misbranding of butter. U. S. v. 34 Tubs and 33 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22910, 22913. I. S. Nos. 02828, 02829. S. Nos. 948, 951.)**

On July 9, 1928, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Charles City Creamery Co., from Charles City, Iowa, on or about June 27, 1928, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 25, 1928, the Lawler Cooperative Creamery Assoc., Lawler, Iowa, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,000, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15927. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22917. I. S. No. 24291-x. S. No. 929.)**

On July 2, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Austin Dairy Products, from Austin, Minn., on or about June 28, 1928, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 18, 1928, the Austin Dairy Products, Austin, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be reprocessed and reworked so that it contain at least 80 per cent of butterfat. On September 5, 1928, an amended decree was entered ordering that the product be released to Fred D. Oetjen, New York, N. Y., for the purpose of exporting the same under the supervision of this department, that the product should not under any circumstances whatever be exported until the United States Department of Agriculture, through its designated inspector, or other representative, shall have had free access thereto at the factory in the city of New York of Fred D. Oetjen in order to make whatever examination and tests it may desire and shall have released said butter for export.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15928. Adulteration of canned cherries. U. S. v. 14 Cases of Red Sour Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22676. I. S. No. 18003-x. S. No. 718.)**

On March 29, 1928, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of pitted red sour cherries at Birmingham, Ala., alleging that the article had been shipped by the Grand Traverse Packing Co., from Traverse City, Mich., August 31, 1926, and transported from the State of Michigan into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Zeneda Brand Pitted Red Sour Cherries \* \* \* Packed by Grand Traverse Co., Traverse City, Mich."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, putrid vegetable substance.

On July 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15929. Adulteration and misbranding of black pepper. U. S. v. 15 Cases, et al., of Black Pepper. Product adjudged adulterated and misbranded and ordered released under bond to be relabeled. (F. & D. Nos. 22627, 22629. I. S. Nos. 23200-x, 23211-x. S. Nos. 660, 666.)**

On March 12, 1928, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 cases of black pepper at McAlester, Okla., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., in two consignments, on or about October 31, 1927, and January 18, 1928, respectively, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Cans) "Polar Bear Brand Black Pepper, Net Weight One Pound." The remainder of the said article was



labeled in part: (Cans) "Polar Bear Brand One-half Pound Net Weight Ground Black Pepper."

It was alleged in the libel that the article was adulterated in that cornstarch, with respect to a portion of the product, and cornstarch and ground rice, with respect to the remainder thereof, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to a portion of the said article for the further reason that the said cornstarch and ground rice, substituted wholly or in part for the said article, had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designations on the labels, to wit, "Black Pepper" and "Ground Black Pepper," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

On June 25, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered finding the product adulterated and misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, pursuant to the terms of a bond in the sum of \$604, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15930. Misbranding of Flavonut. U. S. v. 25 Cases of Flavonut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22605. I. S. No. 22001-x. S. No. 615.)**

On March 9, 1928, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of Flavonut, remaining in the original unbroken packages at Denver, Colo., consigned by the Ed. S. Vail Butterine Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about February 21, 1928, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "One Lb. Flavonut."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be repacked to bring the contents of the packages up to 1 pound and sold by the United States marshal. On July 13, 1928, the decree was amended to permit sale of the product by the marshal, in bulk or in any manner not contrary to law. On October 15, 1928, the marshal having been unable to find a buyer for the goods, it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15931. Adulteration of black eye peas. U. S. v. 30 Cases, et al., of Peas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22250 to 22258, incl. I. S. No. 14653-x. S. No. 308.)**

On December 8, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 300 cases of peas, remaining in the original unbroken packages in various lots at Miami, West Palm Beach, and Fort Lauderdale, Fla., respectively, alleging that the article had been shipped by the L. H. Hayward Co., from New Orleans, La., on or about October 10, 1927, and transported from the State of Louisiana into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Starbright Black Eye Peas \* \* \* Crescent City Packing Co. Packers, New Orleans."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 13, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15932. Adulteration and misbranding of olive oil. U. S. v. 106 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 22812. I. S. No. 21828-x. S. No. 855.)

On June 8, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 106 gallons of olive oil, remaining in the original unbroken packages at Pittsfield, Mass., alleging that the article had been shipped by G. Grald, from New York, N. Y., March 3, 1928, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs acts as amended.

It was alleged in the libel that the article was adulterated in that a substance consisting chiefly of cottonseed and sesame oils had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the label bore the following statements and designs regarding the said article which were false and misleading and deceived and misled the purchaser: "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents 1 Gallon First Pressing Cream Olive Oil Recommended highly for table and medicinal use," (designs) cut of olive sprays bearing olives and Italian flag. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, for the further reason that the statement "Net Contents 1 Gallon" was false and misleading and deceived and misled the purchaser, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15933. Adulteration and misbranding of olive oil. U. S. v. 21 Quart Cans and 10 One-Half Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 22791. I. S. Nos. 21715-x, 21716-x. S. No. 824.)

On May 21, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 quart cans and 10 one-half gallon cans of olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned about February 24, 1928, alleging that the article had been shipped by the United Importers, Inc., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, borne on the package or label, were false and misleading and deceived and misled the purchaser: "Pure Olive Oil Extra Fine Quality Italian Product Lucca Italy. This oil is guaranteed to be absolutely pure and made from the finest selected olives. This virgin oil \* \* \*;" (similar statements in Italian) "Lucca Bitonto Porto Maurizio Termini Imerese" (use of Italian language). Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that the package was falsely branded as to the country in which it was manufactured



or prepared. Misbranding was alleged with respect to the quart cans of the product for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct, and for the further reason that the statement "Contents One Quart," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15934. Adulteration of grapefruit. U. S. v. 60 Boxes of Grapefruit. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 21842. I. S. No. F6432-x. S. No. E-6092.)**

On April 7, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 boxes of grapefruit, remaining in the original unbroken packages at Boston, Mass., consigned about March 30, 1927, alleging that the article had been shipped by S. J. Harry, Nashua, Fla., and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "St. John's River Oranges and Grapefruit Seminola Grove Brand Grown and Packed by S. J. Harry, Satsuma, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 5, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15935. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22870. I. S. No. 20152-x. S. No. 893.)**

On June 19, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Pikeville Creamery Co., Pikeville, Tenn., alleging that the article had been shipped from Pikeville, Tenn., on or about June 15, 1928, and transported from the State of Tennessee into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or its strength.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On June 29, 1928, Clinton G. Heyd, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15936. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22877. I. S. No. 20203-x. S. No. 921.)**

On June 26, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hawkins County Creamery, Rogersville,

Tenn., alleging that the article had been shipped from Rogersville, Tenn., on or about June 22, 1928, and transported from the State of Tennessee into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On June 28, 1928, C. M. Drake, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15937. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22869. I. S. No. 20166-x. S. No. 898.)**

On June 20, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Chesapeake Dairy Products Co., Mathews, Va., alleging that the article had been shipped from Mathews, Va., on or about June 18, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and in that the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On June 28, 1928, C. M. Drake, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15938. Adulteration and misbranding of olive oil. U. S. v. 15 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22482. I. S. No. 23418-x. S. No. 600.)**

On February 25, 1928, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 one-gallon cans (1 five-gallon can) of olive oil, remaining in the original unbroken packages at Port Arthur, Texas, consigned by A. Bologna & Co., alleging that the article had been shipped from New Orleans, La., on or about November 30, 1927, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, olive oil, and for the



further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15939. Adulteration of dried figs. U. S. v. 250 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21977. I. S. No. 2487-x. S. No. 12.)

On or about July 23, 1927, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 250 cases of dried figs, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., on or about September 13, 1926, and transported from the State of California into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Figs, \* \* \* California Peach and Fig Growers Association \* \* \* Fresno, Calif."

It was alleged in the libel that the article was adulterated in that said figs were wormy, moldy, and dirty, and in that said product consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 16, 1927, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15940. Adulteration of figs. U. S. v. 10 Cases of Figs. Default order of destruction entered.** (F. & D. No. 22190. I. S. No. 19198-x. S. No. 251.)

On November 19, 1927, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of figs at Birmingham, Ala., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., Fresno, Calif., October 12, 1927, and transported from the State of California into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs, produced and packed by California Peach & Fig Growers, Fresno, California."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, and in that there was present in the said article a large portion of worm-eaten and wormy figs.

On March 26, 1928, no claimant having appeared for the property, and it appearing to the court that the product was unfit for food, judgment was entered ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15941. Adulteration of dressed poultry. U. S. v. 2 Kegs of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23056. I. S. No. 03024. S. No. 1153.)

On September 7, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 kegs of dressed poultry, remaining in the original unbroken packages at New York, N. Y., consigned by the Black River Falls Produce Co., Black River Falls, Wis., alleging that the article had been shipped from Black River Falls, Wis., on or about August 24, 1928, and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was a product of a diseased animal.

On September 27, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15942. Adulteration of frozen poultry. U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22982. I. S. No. 03001. S. No. 1051.)**

On August 15, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fort Worth Poultry Co., from Fort Worth, Tex., on or about July 18, 1928, and had been transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of emaciated, decomposed, and tubercular birds and was unfit for food, and in that it was the product of a diseased animal.

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15943. Misbranding of alfalfa feed. U. S. v. 50 Bags of Alfalfa Feed. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23005. I. S. No. 013156. S. No. 1082.)**

On August 21, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 bags of alfalfa feed, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the A. W. Scott Co., from San Francisco, Calif., on or about July 25, 1928, and transported from the State of California into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Poultry Greens Made From Fancy Ground Alfalfa \* \* \* Guaranteed Analysis Protein 20% Min. \* \* \* Fibre 18% Max \* \* \* Packed by The A. W. Scott Co. \* \* \* San Francisco, Cal."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 20% Min. Fibre 18% Max.," was false and misleading and deceived and misled the purchaser.

On September 6, 1928, the A. W. Scott Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or disposed of until correctly labeled and has passed inspection by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15944. Adulteration and misbranding of cottonseed meal. U. S. v. 600 Bags, et al., of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22337, 22339. I. S. Nos. 17540-x, 17541-x. S. Nos. 391, 396.)**

On January 3, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 830 bags or sacks of cottonseed meal, remaining in the original unbroken packages, in part at Los Angeles, Calif., and in part at Victoria, Calif., consigned by the Arizona Cotton Oil Co., Glendale, Ariz., alleging that the article had been shipped from Glendale, Ariz., in two consignments, on or about November 18, 1927, and December 2, 1927, respectively, and had been transported from the State of Arizona into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Arizona Cotton Oil Co., Glendale, Arizona, Crude Protein 40 per cent."

It was alleged in the libel that the article was adulterated in that cottonseed feed low in protein had been mixed and packed with and substituted in part for the said article.

It was further alleged in the libel that the article was in violation of section 8 of said act, general paragraph and paragraphs 1, 2, and 4, under "Food" in that the statement "Crude Protein 40 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.



On January 25, 1928, the Arizona Cotton Oil Co., Glendale, Ariz., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15945. Adulteration and misbranding of oysters. U. S. v. R. E. Roberts Co. (Wm. D. Gude & Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 22567. I. S. Nos. 14189-x, 14190-x, 14191-x, 14192-x.)**

On July 6, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the R. E. Roberts Co., a corporation, trading as Wm. D. Gude & Co., Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 22, 1927, from the State of Maryland into the State of Ohio, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: "Premium Brand \* \* \* Oysters of Quality Packed by Wm. D. Gude & Co., Baltimore, Md. Contents 1 Pt. Net" (or "Contents 1 Qt. Net").

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, to wit, "Contents 1 Pt. Net," borne on the labels of the cans containing the said portion, was false and misleading in that the said statement represented that the cans each contained 1 pint of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 1 pint of oysters, whereas they did not, but did contain a less quantity. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15946. Adulteration and misbranding of vinegar. U. S. v. 61 Barrels of Vinegar. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22881. I. S. No. 24101-x. S. No. 943.)**

On July 14, 1928, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 61 barrels of vinegar at Kane, Pa., alleging that the article had been shipped by the Cassadaga Vinegar Works, from Cassadaga, N. Y., on or about May 9, 1928, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cassadaga Vinegar Works, Pure Cider Vinegar \* \* \* Cassadaga, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, evaporated apple vinegar, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Pure Cider Vinegar," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On September 15, 1928, John E. Pierpont, James Wilcox and Lyman Wilcox, copartners, trading as the Cassadaga Vinegar Works, Cassadaga, N. Y., having appeared as claimants for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15947. Adulteration of frozen poultry and dressed poultry. U. S. v. 1 Barrel of Frozen Poultry, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 23039, 23040, 23060. I. S. Nos. 03019, 03020, 03022. S. Nos. 1123, 1124, 1152.)

On August 31 and September 7, 1928, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 barrels of frozen poultry and 1 barrel of dressed poultry at New York, N. Y., consigned by Edward Aaron, Inc., alleging that the article had been shipped in part from Fort Scott, Kans., and in part from Butler, Mo., in various lots, on or about August 16, August 18, and August 24, 1928, respectively, and had been transported from the States of Kansas and Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a portion of an animal unfit for food and in that it was a product of a diseased animal. Adulteration was alleged with respect to a portion of the article for the further reason that it consisted in part of a decomposed animal substance.

On September 20 and September 27, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15948. Adulteration of dressed poultry. U. S. v. 2 Barrels, et al., of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23066. I. S. No. 03025. S. No. 1162.)

On September 11, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels and 1 keg of dressed poultry, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Naomi Produce Co., from Mount Vernon, Ind., on or about August 30, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 27, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15949. Adulteration of dressed poultry. U. S. v. 9 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23059. I. S. No. 03023. S. No. 1151.)

On September 7, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., consigned by the Seymour Packing Co., Topeka, Kans., alleging that the article had been shipped from Topeka, Kans., on or about August 25, 1928, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was a product of a diseased animal.



On September 17, 1928, the Seymour Packing Co., Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that the bad portion be separated from the good portion and the former destroyed or denatured under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15950. Adulteration and misbranding of pepper. U. S. v. 2 Barrels of Pepper. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22127. I. S. Nos. 20862-x, 20863-x. S. No. 175.)

On November 2, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of pepper at Newark, N. J., alleging that the article had been shipped by W. G. Dean & Sons, New York, N. Y., one barrel on or about June 18, 1927, and one barrel on or about August 11, 1927, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (One barrel) "Butchers Pepper M. Rinefeld & Sons \* \* \* For W. C. Dean & Sons;" (one barrel) "Pure White Pepper."

It was alleged in the libel that the article was adulterated in that substances had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Pepper," borne on the label, was false and misleading and deceived and misled the purchasers, and in that it was offered for sale under the distinctive name of another article.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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# United States Department of Agriculture

## FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15951-16000

[Approved by the Secretary of Agriculture, Washington, D. C., May 20, 1929]

**15951. Adulteration of frozen poultry. U. S. v. 3 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 23003. I. S. No. 03009. S. No. 1089.)

On August 22, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Blattner Bros. Co., from Wellsville, Mo., on or about July 24, 1928, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15952. Adulteration of frozen poultry U. S. v. 2 Barrels of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 22983. I. S. No. 02825. S. No. 1052.)

On August 15, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Armour Creameries Co., from Clinton, Mo., on or about July 24, 1928, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of emaciated and tubercular birds, and was therefore unfit for food, and in that it was the product of a diseased animal.

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15953. Adulteration of frozen chickens. U. S. v. 2 Barrels of Frozen Chickens. Consent decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 22906. I. S. No. 02812. S. No. 976.)

On or about August 7, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 2 barrels of frozen chickens, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by Swift & Co., Rockford, Ill., July 12, 1928, and transported from the State of Illinois into the State of Connecticut, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, in that it was the product of a diseased animal, and in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On August 13, 1928, Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15954. Adulteration of dressed poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 23047. I. S. No. 03021. S. No. 1137.)

On September 4, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, on or about August 18, 1928, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food and in that it was the product of a diseased animal.

On September 20, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15955. Adulteration of canned sardines. U. S. v. 26½ Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 23048. I. S. No. 03161. S. No. 1135.)

On September 1, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26½ cases of sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the North Lubec Mfg. & Canning Co., North Lubec, Me., alleging that the article had been shipped from North Lubec, Me., on or about August 7, 1928, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15956. Misbranding of Sal Normel. U. S. v. 4½ Dozen Large Size Bottles, et al., of Sal Normel. Default order of destruction entered.** (F. & D. Nos. 22120, 22121. I. S. Nos. 17527-x, 17529-x. S. No. 167.)

On October 28, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 21, 1928, an amended libel, praying seizure and condemnation of 25½ dozen large size bottles and 1½ dozen small size bottles of Sal Normel, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from the Physio Chemical Laboratories, Salt Lake City, Utah, in various consignments, on or about June 20, July 26, and September 27, 1927, respectively, and had been transported from the State of Utah into the State of California, and charging misbranding in violation of the food and drugs act as amended.



Analysis of a sample of the article by this department showed that it consisted essentially of citric acid and sodium, potassium, calcium, and magnesium salts, including bicarbonate and phosphate, flavored with lemon oil.

It was alleged in the libel that the article was misbranded in that the following statements, borne in the labeling, "A systemic alkalizer \* \* \* highly efficient in the treatment of acidosis \* \* \* vomiting of pregnancy, nephritis, rheumatism, diabetes, fevers, and other toxemias \* \* \* assists materially to neutralize uric acid, diacetic acid, indican, acetone, and betaoxybutyric acid," were false and misleading in that the said article contained no ingredient or combination of ingredients capable of producing said effects.

On August 23, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15957. Misbranding of cottonseed screenings. U. S. v. 600 Sacks of Cottonseed Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22817. I. S. No. 18931-x. S. No. 844.)**

On May 4, 1928, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 sacks of cottonseed screenings, remaining in the original unbroken packages at Miller, Kans., alleging that the article had been shipped by the Anadarko Cotton Oil Co., from Anadarko, Okla., on or about April 26, 1928, and had been transported from the State of Oklahoma into the State of Kansas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that it was invoiced and sold as prime quality cottonseed screenings, whereas it was off quality cottonseed screenings. Misbranding was alleged for the further reason that the statement, "43% protein," borne on the label, was false and misleading and deceived and misled the purchaser to believe that the said product contained not less than 43 per cent of protein, when in fact it contained less than 43 per cent of protein.

On May 4, 1928, the Anadarko Cotton Oil Co., Anadarko, Okla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15958. Adulteration and misbranding of powdered milk. U. S. v. 1½ Barrels of Powdered Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22684. I. S. No. 17431-x. S. No. 722.)**

On April 2, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1½ barrels of powdered milk, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by the Coast Butcher (Supply) Company, from San Francisco, Calif., on or about February 21, 1928, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Powd. Milk."

It was alleged in the libel that the article was adulterated in that skim milk powder had been mixed and packed with and substituted in part for normal powdered milk of good commercial quality, and in that a valuable constituent, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the designation "Powd. Milk" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15959. Adulteration of fig paste. U. S. v. 750 Boxes of Fig Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22108. I. S. No. 14289-x. S. No. 162.)**

On October 26, 1927, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 750 boxes of fig paste, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by Garcia & Maggini Co., Fresno, Calif., on or about September 15, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Paradise Brand Calif. Fig Paste packed by Garcia & Maggini Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 4, 1928, Garcia & Maggini Co., Fresno, Calif., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be used or disposed of contrary to the provisions of the Federal food and drugs act, nor as food for human beings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15960. Adulteration and misbranding of canned cherries. U. S. v. 212 Cases, et al., of Cherries. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21743, 22729. I. S. Nos. 15933-x, 19084-x. S. Nos. C-5112, 772.)**

On May 17, 1927, and April 24, 1928, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 262 cases of canned cherries, remaining unsold in the original packages at Detroit, Mich., consigned by H. C. Hemingway & Co., from Lockport, N. Y., alleging that the article had been shipped in part September 2, 1926, and in part November 1, 1927, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Schuyler Brand Pitted Red Cherries in Juice Contents 1 lb. 3 Oz. H. C. Hemingway & Co., Distributors, Auburn \* \* \*, N. Y."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement on the label, "Cherries in Juice," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the remainder of the said article for the reason that the statement, "Contents 1 lb. 3 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22 and June 23, 1928, respectively, H. C. Hemingway & Co., Inc., Syracuse, N. Y., having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered finding the product adulterated, and a portion misbranded in that it was labeled with an incorrect statement of the net weight, and that the said product should be forfeited and condemned. It was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it should not be sold or otherwise disposed of contrary to law, and that such portion as might be designated by this department for destruction, after examination by said department, be destroyed under its supervision.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15961. Adulteration of ground figs. U. S. v. 5 Drums of Roasted Ground Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22078. I. S. No. 17676-x. S. No. 125.)**

On October 5, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 drums of roasted ground figs, remaining in the original



unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Toomey Fruit Co., from Fresno, Calif., September 26, 1927, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 22, 1927, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15962. Adulteration of frozen poultry. U. S. v. 1 Box, et al., of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22943, 22947. I. S. Nos. 02705, 02709, 02710, 02711. S. Nos. 1004, 1006.)

On August 1 and August 3, 1928, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 boxes of frozen poultry at Buffalo, N. Y., consigned by Priebe & Sons, Lohrville, Iowa, or Priebe & Sons, Inc., Iowa City, Iowa, alleging that the article had been shipped in part from Lohrville, Iowa, on or about April 26, 1928, and in part from Iowa City, Iowa, in various consignments, on or about June 22, June 30, and July 7, 1928, respectively, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product, and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15963. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22680. I. S. No. 22202-v. S. No. 719.)

On or about April 2, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Arnold Mills Station, R. I., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., on or about October 12, 1927, and transported from the State of Georgia into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice-Prime Dixie Brand Cotton Seed Meal 100 Pounds Net Guaranteed Analysis Min. Protein 41.12% \* \* \* Min. Crude Fiber 10.00% Made from Pressed Cottonseed Guaranteed by Humphreys-Godwin Co., Memphis, Tenn."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and containing excessive crude fiber and hair had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Min. Protein 41.12% Min. Crude Fiber 10.00% Made from Pressed Cottonseed" and "Choice," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 10, 1928, claimant having appeared and admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant or to N. W. Whipple, jr., Arnold Mills, R. I., as agent for claimant, upon payment of all costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned and relabeled under the direction and supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15964. Misbranding and alleged adulteration of vinegar. U. S. v. 28 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22499. I. S. No. 19378-x. S. No. 616.)**

On March 2, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 barrels of vinegar at Sterling, Ill., alleging that the article had been shipped by the National Vinegar Co., St. Louis, Mo., September 24, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the barrels containing the article bore the label, to wit, "National Vinegar Co., Gold-N-Rule Brand 53 Gals Cider Vinegar Reduced to 4 per cent St. Louis, Mo.," which label was false and misleading and deceived and misled the purchaser in that the said article did not contain pure cider vinegar, but contained a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and was sold under the distinctive name of another food product.

On April 3, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property, a decree was entered adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15965. Adulteration of frozen poultry. U. S. v. 1 Box of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22948. I. S. No. 02706. S. No. 1005.)**

On August 3, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 box of frozen poultry at Buffalo, N. Y., consigned by the Spirit Lake Produce Co., Spirit Lake, Iowa, alleging that the article had been shipped from Spirit Lake, Iowa, on or about April 18, 1928, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15966. Adulteration of frozen poultry. U. S. v. 119 Barrels of Frozen Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22771. I. S. No. 24482-x. S. No. 801.)**

On May 8, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 119 barrels of frozen poultry at Jersey City, N. J., alleging that the article had been shipped by Cromer J. Crossett, Inc., Chicago, Ill., on or about January 24, 1928, and had been transported from the State of Illinois into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.



On September 14, 1928, the Silz Packing Co., Inc., a corporation of New Jersey, claimant, having admitted the material allegations of the libel, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,100, conditioned in part that the portion unfit for human consumption be separated from the article, and be destroyed or denatured under the supervision of this department, and that the portion passed as fit for human consumption be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15967. Adulteration of frozen poultry. U. S. v. 1 Barrel, et al., of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22944, 22945. I. S. Nos. 02704, 02708. S. Nos. 1007, 1009.)

On August 1, 1928, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1 barrel and 3 boxes of frozen poultry at Buffalo, N. Y., consigned by F. M. Stamper Co., alleging that the article had been shipped in part from Moberly, Mo., on or about April 24, 1928, and in part from Carrolton, Mo., on or about May 20, 1928, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15968. Misbranding of Mecca compound. U. S. v. 22 Packages, et al., of Mecca Compound. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20877, 20878, 20880, 20881, 20883. I. S. Nos. 376-x, 377-x, 378-x, 379-x, 3187-x, 3188-x, 3189-x, 3190-x, 3191-x, 3192-x, 3193-x, 3194-x. S. Nos. C-4960, C-4961, C-4965, W-1666, W-1668.)

On February 19 and February 20, 1926, respectively, the United States attorney for the Districts of Minnesota and Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for said districts libels, and subsequently amended libels, praying seizure and condemnation of 10 dozen six-ounce packages and 24½ dozen two-ounce packages of Mecca compound, remaining in the original unbroken packages in various lots at Minneapolis, Minn., St. Paul, Minn., and Denver, Colo., respectively, consigned by the Foster-Dack Co., from Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., between the dates of December 8, 1924, and January 8, 1926, and transported from the State of Illinois into the States of Minnesota and Colorado, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc oxide with traces of menthol and thymol in a fatty acid and petrolatum base.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Strip label, portion of six-ounce packages) "A triumph of modern chemistry \* \* \* it controls Pain to a wonderful degree and renders such valuable aid to Nature as to make recovery in many cases seem miraculous \* \* \* if burn is deep apply \* \* \* as a poultice \* \* \* for best results \* \* \* in pneumonia it renders to nature most valuable assistance in controlling fever and affording relief to the patient \* \* \* sores, Salt Rheum, Erysipelas, Carbuncles, Boils, felons, frozen part \* \* \* rheumatism, sprains \* \* \* sore feet, eczema, hives, and nearly all kinds of inflammation;" (box label all sizes) "Healing \* \* \* for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures \* \* \* for \* \* \* Barber's

Itch, Eczema, Erysipelas, Hives, Salt Rheum, \* \* \* Blood Poison, Boils, Diphtheritic Sore Throat, Pneumonia, and all kinds of inflammation;" (carton, all sizes) "Healing;" (circular, all sizes) "Directions for Using Mecca Compound. For Burned and Scalded surfaces, apply the Mecca \* \* \* the immediate result will be cessation of pain and inflammation and no further blistering. Minor burns heal quickly and serious burns heal in a few weeks, free from scars and blemishes. No scars from burns ever appear where Mecca is properly used. For Frosted or Frozen parts apply the same as to a burned surface, applying, when possible, before the frost is withdrawn, for if so applied restoration will follow immediately. \* \* \* for all kinds of hurts. Its use prevents soreness and inflammation and hastens a cure. In serious cases, such as \* \* \* Felons, Boils and Carbuncles, apply by poulticing \* \* \* Nothing equals Mecca for relieving Pain and for removing soreness. Any sore, recent or of long standing, may be cured by its use, practically applied. For Erysipelas, Gangrene, Scarlet Fever, Chicken Pox, Smallpox, and all Eruptive Diseases. For Erysipelas and Gangrene, poultice freely all the parts affected and if the case be severe let the poultice be applied fully half inch thick, but if mild, less will do. For Scarlet Fever, apply to all the eruptive parts by rubbing and poultice the throat freely until relieved from soreness. For Chicken Pox, apply the Compound freely to all the irritated parts, with moderate rubbing. In Smallpox apply, both by rubbing and poulticing. Rub the patient with the Compound where there are aches and pains, and poultice freely where there is much soreness. It prevents all Itching and Pitting, reduces the fever, strengthens the patient, and hastens recovery. For Sore Throat, Lung Trouble, Inflammation of the Bowels, Appendicitis, and Rheumatism. For Sore Throat apply \* \* \* thickly over the front of the throat \* \* \* For Lung Trouble, Pneumonia, soreness of the chest and lungs, apply \* \* \* by poultice \* \* \* if the case be severe \* \* \* if mild apply once or twice a day by rubbing \* \* \* For inflammation of the bowels and Appendicitis, spread a thick poultice \* \* \* apply over the seat of pain. It is best to keep the poultice on for some time after relief is obtained. For rheumatism and sundry pains apply by rubbing, if severe by poulticing. Its continued use even in most stubborn cases, will result in a cure;" (testimonials) "I \* \* \* have seen many men badly burned. \* \* \* nothing I ever saw or heard of compares with the wonderful work of Mecca Compound, so quickly and so fully does it relieve the sufferer from all pain and so quickly does nature restore under its use. \* \* \* X-Ray Burn Cured. I suffered many months from an X-ray burn \* \* \*. It developed into a running sore, which the doctors were unable to heal \* \* \* Mecca Compound \* \* \* relieved the pain and soreness and made a complete cure. \* \* \* when burned with the electric current. In no instance have we found it to fail in giving immediate relief;" (circular, Mecca compound ointment) "If every home \* \* \* would keep \* \* \* Mecca Compound ready for immediate application in \* \* \* severe Burns and Scalds, bad Bruises, Blood Poison, Fevers, and all kinds of inflammation, many lives would be saved and a vast amount of suffering avoided. Applied \* \* \* to a burned or scalded surface, pain ceases, blistering is prevented, and inflammation is held in check while nature soon restores. We firmly believe, if a burned or scalded patient lives two days under common treatment and then expires, that had Mecca Compound been immediately applied, in nearly every case, life would have been saved. We advise the head of every family to at once provide for its safety \* \* \* has saved lives and much suffering \* \* \* A wise man will provide in time. Insure Protection for your Family by providing means of escape should a severe accident occur, such as is of daily occurrence. The clippings below \* \* \* illustrate constant danger and the need of immediate efficient aid. We firmly believe had Mecca Compound been immediately applied in sufficient quantity all of those, here mentioned, would have been saved. Note well the case of Mr. Mead of Council Bluffs, Iowa, how prompt application saved his life. Duty neglected brings remorse but can not restore life. A Mr. Mead of Council Bluffs, Iowa, was terribly burned by an explosion of gasoline. In less than ten minutes one third of his body had blistered while the whole body, except the head and feet, seemed ready to break forth \* \* \* had a good supply of Mecca Compound \* \* \* covering him half an inch thick. \* \* \* In five weeks he was back to his shop, without a sore or blemish. In this case 30 minutes' delay meant death in a few hours \* \* \*. Clippings from the Chicago Daily Tribune \* \* \* died of scalds \* \* \* died \* \* \* of burns."



On February 4, May 5, and August 24, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15969. Misbranding of Prescription 999. U. S. v. 10 Packages of Prescription 999. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22357. I. S. No. 11942-x. S. No. 379.)

On January 9, 1928, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 packages of Prescription 999 at Cleveland, Ohio, alleging that the article had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about August 6, 1927, and had been transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and a fatty oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box label) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubebs, copaiba, and other valuable vegetable oils which are known to give the best results in treating the disease for which this medicine is intended \* \* \* after all signs of the disease have disappeared."

On August 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15970. Adulteration and misbranding of cod liver oil. U. S. v. 10 Drums of Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22637. I. S. No. 19984-x. S. No. 557.)

On March 13, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 drums of cod liver oil, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Consolidated Products Co., from Cincinnati, Ohio, on or about January 5, 1928, and had been transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Poultry Cod Liver Oil."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, or purity as determined by the test laid down in that authority. Adulteration was alleged for the further reason that a substance, to wit, an oil other than cod liver oil, had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement, "Cod Liver Oil," borne on the label, was false and misleading, and for the further reason that it was offered for sale under the distinctive name of another article.

On June 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15971. Misbranding of Sorbefacin. U. S. v. 1 Dozen Packages of Sorbefacin. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20884. I. S. No. 3194-x. S. No. C-4960.)

On February 19, 1926, the United States attorney for the District of Minnesota, acting upon a report from the Secretary of Agriculture, filed in the District court of the United States for said district a libel, and on February 24, 1926, an amended libel, praying seizure and condemnation of 1 dozen packages of Sorbefacin, remaining in the original unbroken packages at St. Paul,

Minn., alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., in part March 9, 1925, and in part December 7, 1925, and had been transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc oxide with traces of menthol and thymol in a fatty acid and petrolatum base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box label) "Antiphlogistic Antiseptic \* \* \* Sorbefacient Nutrient;" (carton label) "Sorbefacient, Rich in Nutrition possessing remarkable Antiphlogistic power;" (booklet) "Sorbefacient, Nutrient, Antiseptic, and Antiphlogistic \* \* \* Sorbefacient, Nutrient, Antiseptic, and Antiphlogistic \* \* \* possessing antiseptic properties as to quickly cleanse and purify a putrid sloughing ulcer \* \* \* it prevents inflammation and soreness and fully protects the parts from septic influence \* \* \* carries its antiseptic properties down deep into the tissues, reaching the seat of the disease, an important principle in the treatment of deep seated sores and eczema. Sorbefacin is a rich nutrient in a sorbefacient base that mildly acts upon the tissues causing absorption, which by eutrophic action supplies the depleted system with nutrition \* \* \* its nutritive properties are nearly equal to Oleum Morrheau. \* \* \* in the treatment of Pneumonia, Pleurisy, Bronchitis, Pulmonary Phthisis, and all inflammatory conditions and congestions it will render valuable service \* \* \* relieving pain and controlling inflammation \* \* \* for Burned and Scalded surfaces \* \* \* renders prompt relief even in extreme cases, if a sufficient quantity be applied \* \* \* bear in mind its sorbefacient activity \* \* \* for by its sorbefacient work the antiseptic properties are carried down deep into the tissues thus reaching all parts affected by bacteria, and this, combined with its nutritive tissue feeding, assists nature in restoring \* \* \* for burned and scalded surfaces \* \* \*. Pain ceases on its application, even in the most severe cases, if the proper amount be used. Blistering stops, inflammation is controlled, your patient rests, and nature works unhindered \* \* \*. There will be no scars if the injured parts are well covered with Sorbefacin during the time of healing. Skin-grafting need not be resorted to, for nature receives such assistance from Sorbefacin as to be able to replace tissue and skin, even in cases where large surfaces are greatly denuded \* \* \*. Frozen parts \* \* \* application, when possible, should be made before the frost is withdrawn. When so applied and in sufficient quantity, the result will be a speedy restoration without sloughing. X-Ray burns \* \* \*. The deadened, paralyzed tissues require stimulating and feeding, and for this Sorbefacin is well adapted. \* \* \* Pneumonia. On account of its Sorbefacient, Antiseptic, and Nutritive properties Sorbefacin is able to perform great service \* \* \* massaging \* \* \* first \* \* \* then poulticing the chest thickly \* \* \* repeated twice a day in severe cases. Improvement is soon noted. Tuberculosis, Pulmonary \* \* \* in the treatment of this terrible malady, \* \* \* experience has proved its efficacy \* \* \* Sorbefacin feeds the system without disturbing the digestive organs. It carries its nutrient and medicinal properties into the system by sorbefacient action. We believe its most important effect in the treatment of this disease is the strength imparted to the patient by the nutrient received from it. The patient gains in strength and flesh during the time of its application \* \* \*. Tubercular joints that were far advanced have been successfully treated with Sorbefacin. Its antiphlogistic properties render good work, while its antiseptics are carried down deep into the tissues by its sorbefacient effect, eventually reaching the very heart of the affected part. \* \* \* Appendicitis. The antiphlogistic work of Sorbefacin in this disease is truly marked. Place over the appendix not less than one-half pound to one pound, and cover all with flannel. Relief is usually quite prompt, and unless suppuration has taken place, thus requiring a surgical operation, the inflammation will gradually subside at the mouth of the appendix and nature will return the feces to the colon. \* \* \* Tetanus. \* \* \* a most perfect application for the treatment of this disease. Its great antiphlogistic power is here shown by controlling the inflammation, while its sorbefacient work carries its antiseptics rapidly into the affected parts, controlling bacteria action. Poultice heavily and you will not be disappointed. Gangrene. Poultice thickly



\* \* \* Quantity greatly assists in recovery. \* \* \* When so applied relief comes quickly ; " (testimonials) " In inflammations of all kinds, mechanical and infectious, in burns, in sloughing from frost, in pruitus of every description, with gratifying results. Its quality of sinking deep into the tissues \* \* \* its sorbefacient, eutrophic effect on weak and debilitated patients, and its nutritive property in building up injured tissues \* \* \* its antiphlogistic properties \* \* \* the treatment of serious burns, say one-third to one-half of the body blistered, that as soon as the injured parts are thickly covered with Sorbefacin that pain ceases, while the stimulative action overcomes the depression. Inflammation is so fully controlled that little or no pus is formed, and if the denuded parts be kept well covered, there will be no scarring. \* \* \* In Burns it is most efficacious, promptly relieving the pain and arresting inflammatory action \* \* \* In Pulmonary troubles it is useful \* \* \* will find a special service as an application in the pneumonia and bronchial troubles of young children \* \* \* valuable as a nutrient. \* \* \* antiphlogistic properties exceed anything we have tried \* \* \* sorbefacient, eutrophic \* \* \*. It is surprising \* \* \* what strength it imparts \* \* \* used in Pneumonia, Peritonitis, Tuberculosis of the joints, burns, and Eczema. \* \* \* a valuable anti-phlogistic \* \* \* a \* \* \* nutrient dressing \* \* \* active inflammations resulting from traumatism, with or without a surface abrasion \* \* \* various forms of abrasions of the skin \* \* \* several forms of skin diseases, inflammation of joints, cuts, bruises, and ulcers \* \* \* reducing swelling and restoring healthy tissue \* \* \* For \* \* \* ulcers and many other forms of Skin disease it is of very great value. \* \* \* strongly antiseptic \* \* \* effective in an extensive class of cutaneous diseases. \* \* \* have found it almost indispensable, especially in old Sores of a gangrenous nature, those following such cases known as Blood Poison \* \* \* to reduce the swelling and allay the pain."

On February 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15972. Adulteration of frozen poultry. U. S. v. 1 Barrel, et al., of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22946, 22951. I. S. Nos. 02702, 02703. S. Nos. 1008, 1011.)

On August 1 and August 3, 1928, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 barrels of frozen poultry at Buffalo, N. Y., consigned by the J. A. Long Co., alleging that the article had been shipped in part from Union City, Ind., on or about June 13, 1928, and in part from Winchester, Ind., on or about July 14, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15973. Adulteration of frozen poultry. U. S. v. 1 Box of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22949. I. S. No. 02707. S. No. 1016.)

On August 3, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 box of frozen poultry at Buffalo, N. Y., consigned by the Blue Valley Produce Co., Edgar, Nebr., alleging that the article had been shipped from Edgar, Nebr., on or about May 19, 1928, and transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15974. Misbranding of soda crackers. U. S. v. 17 Cases of Soda Crackers. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22779. I. S. No. 22450-x. S. No. 811.)**

On May 15, 1928, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 cases of soda crackers at Phoenix, Ariz., alleging that the article had been shipped by the Loose Wiles Biscuit Co., from Kansas City, Mo., in various consignments on or about February 11, March 19, and March 30, 1928, respectively, and had been transported from the State of Missouri into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunshine City Sodas Loose Wiles Biscuit Company, Net Weight 8½ Ozs."

It was alleged in the libel that the article was misbranded in that the statement, "Eight and one half ounces net weight," borne on the packages containing the said article, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct, the true net weight of the contents of the said packages being less than 8½ ounces.

On July 2, 1928, the Loose Wiles Biscuit Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that the packages be relabeled to show the contents thereof to weigh 7½ ounces.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15975. Misbranding of molasses feed. U. S. v. 200 Sacks of Molasses Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22826. I. S. No. 18933-x. S. No. 872.)**

On May 25, 1928, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of molasses feed, remaining in the original unbroken packages at Plymouth, Kans., alleging that the article had been shipped by the Davidson Mill & Elevator Co., from Kansas City, Mo., on or about April 17, 1928, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Golden Rule Special Cattle Fattener Special 60% Molasses Feed 100 Pounds Net Manufactured by Davidson Mill and Elevator Company, Kansas City, U. S. A. Guaranteed Analysis Crude Protein not less than 6.00%, Crude Fat not less than 1.50%, Crude Fiber not more than 15.00%, Carbo-Nitrogen Free Extract not less than 61.00%."

It was alleged in substance in the libel that the statements, "Crude Protein not less than 6.00%," "Crude Fat not less than 1.50%," "Carbo-Nitrogen Free Extract not less than 61.00%," "Crude Fiber not more than 15.00%," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statement, "100 Pounds Net," borne on the label, was false and misleading in that the sacks contained less than 100 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 9, 1928, the Davidson Mill & Elevator Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court



that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15976. Adulteration of dry beans. U. S. v. 185 Sacks of Dry Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21935. I. S. No. 2668-x. S. No. C-5472.)**

On May 24, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 27, 1927, an amended libel, praying seizure and condemnation of 185 sacks of dry beans, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Snover Grain Co., Sandusky, Mich., on or about January 20, 1927, and had been transported from the State of Michigan into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Michigan Pea Beans."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 27, 1927, the Great Atlantic and Pacific Tea Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged under the supervision of this department and the decomposed portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15977. Adulteration and misbranding of olive oil. U. S. v. 56 Gallons of Olive Oil. Product ordered released under bond. (F. & D. No. 22463. I. S. No. 13223-x. S. No. 576.)**

On February 17, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 56 gallons of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Dyson Shipping Co., from San Francisco, Calif., on or about January 21, 1928, and had been transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Imported Pure Virgin Olive Oil, Superfine, A Pure Medicinal \* \* \* R. C. Brand. This Olive Oil is guaranteed to be absolutely pure. A. Giurlani & Brother, San Francisco, California."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the label bore the statements, "Pure Virgin Olive Oil" and "This Olive Oil is guaranteed to be absolutely pure," which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 28, 1928, A. Giurlani & Bro., San Francisco, Calif., claimant, having paid the costs of the proceedings and having executed a bond in the sum of \$250, it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15978. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 22171. I. S. No. 14633-x. S. No. 223.)**

On November 15, 1927, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of cottonseed meal, remaining in the original unbroken packages at Monticello, Fla., alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., October 7, 1927, and transported

from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled and branded in part: "100 Pounds Second-Class Cottonseed Meal Guaranteed Analysis Ammonia 7%, Equivalent to Protein, 36%."

It was alleged in substance in the libel that the article was adulterated in that a cottonseed feed deficient in ammonia content had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the said branding was false and misleading and deceptive in that the article did not contain 7 per cent of ammonia, nor was the ammonia content thereof equivalent to 36 per cent of protein.

On November 29, 1927, L. R. Rainey, Monticello, Fla., having appeared as claimant for the property and having paid the costs and executed a good and sufficient bond in accordance with law, it was ordered by the court that the product be released to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15979. Adulteration of butter. U. S. v. Carl W. Schmidt (Faith Creamery Co.). Plea of guilty. Fine, \$50.** (F. & D. No. 21591. I. S. Nos. 7200-x, 13473-x.)

On August 10, 1927, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carl W. Schmidt, trading as Faith Creamery Co., Faith, S. Dak., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 18, 1926, from the State of South Dakota into the State of New York, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On September 8, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15980. Adulteration of butter. U. S. v. S Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 23075, 23078. I. S. Nos. 036, 037, 081. S. Nos. 1108, 1109.)

On August 10 and August 20, 1928, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 76 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cudahy Packing Co., from Portland, Ore., in part July 28, 1928, and in part August 1, 1928, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On August 20, 1928, the Cudahy Packing Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs, and the execution of bonds totaling \$2,655, conditioned in part that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15981. Misbranding of tomato catsup. U. S. v. 364 Cases, et al., of Tomato Catsup. Consent decrees adjudging product misbranded and ordering it released under bond.** (F. & D. Nos. 22922, 22924. I. S. Nos. 01179 to 01184, incl. S. Nos. 987, 988.)

On July 31, 1928, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and



condemnation of 516 cases of 14½-ounce bottles and 229 cases of 8-ounce bottles of tomato catsup at Kansas City, Mo., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., in part on or about November 15, 1927, and in part on or about April 24, 1928, and had been transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Purity Brand (or 'Frazier's Superfine' or 'Frazier's Tomato Catsup')." The Frazier Packing Co., Elwood, Ind.;" (neck label on portion of bottles) "Absolutely pure, no preservative or artificial coloring."

It was alleged in the libels that the article was misbranded in that the statement, "Tomato Catsup," borne on the bottle and case labels, and the statement, "No preservative or artificial coloring," borne on the neck labels of a portion of the bottles, were false and misleading and deceived and misled the purchaser when applied to an article containing artificial color.

On August 25, 1928, the Frazier Packing Co., Elwood, Ind., claimant, having consented to the entry of decrees of condemnation and having executed bonds totaling \$4,000, to insure the relabeling of the product, judgments were entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant, for the purpose of relabeling in conformity with the requirements of the law, upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15982. Adulteration and misbranding of butter. U. S. v. 4 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22858. I. S. No. 26393-x. S. No. 962.)**

On July 3, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 4 boxes of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Litchfield Creamery Co., from Litchfield, Minn., June 27, 1928, and transported from the State of Minnesota into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that the statement, "1 Lb. Net," was false and misleading and deceived and misled the purchaser.

On July 20, 1928, the Litchfield Creamery Co., Litchfield, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and it was further ordered by the court that the product be reconditioned to meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15983. Adulteration of butter. U. S. v. 22 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22867. I. S. No. 03357. S. No. 961.)**

On July 9, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 22 60-pound boxes of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Markesan Creamery, Geo. C. Johnson, proprietor, from Markesan, Wis., June 26, 1928, and transported from the State of Wisconsin into the District of Columbia, and charging adulteration in violation of the food and

drugs act. The article was labeled in part: "Markesan Creamery One Pound Pasteurized Creamery Butter, Markesan, Wisconsin."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

On July 16, 1928, Joseph S. Beall, Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15984. Misbranding of 999 nerve tonic, Prescription 999, and Prescription 999 astringent wash. U. S. v. 2¾ Dozen Boxes of 999 Nerve Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22356. I. S. Nos. 96340-x, 96341-x, 96342-x. S. No. 374.)**

On January 10, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2¾ dozen boxes of 999 nerve tonic, 4½ dozen boxes of Prescription 999, and 6 packages of Prescription 999 astringent wash at Rock Island, Ill., alleging that the articles had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about November 2, 1927, and had been transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and fatty oil; and that the Prescription 999 astringent wash consisted essentially of boric acid and magnesium sulphate, colored with a coal tar color.

The labels of the articles bore the following statements which this department deemed to be false and fraudulent: (999 nerve tonic, box label) "Nerve Tonic. The ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (Prescription 999, box label) "Recommended for kidney and bladder disorders. This medicine is a combination of Oil Sandalwood, Oil Cubebs, Copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended \* \* \* after all signs of the disease have disappeared;" (Prescription 999 astringent wash, carton) "To be used in conjunction with 999 Capsules. For Kidney and Bladder Disorders, as a wash for Irritated Membranes."

It was alleged in the libel that the articles were misbranded in violation of section 8, paragraph 3, of said food and drugs act as amended.

On April 17, 1928, no claimant having appeared for the property, judgment was entered finding that the said articles were false and fraudulent in that they contained no ingredients or combinations of ingredients capable of producing the effects claimed, and it was ordered by the court that they be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15985. Misbranding of Creomulsion. U. S. v. 1,000 Dozen Bottles, et al., of Creomulsion. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22741 to 22750, incl., 22752 to 22755, incl., 22772, 22778. I. S. Nos. 17444-x, 17648-x, 22252-x to 22255-x, incl. S. Nos. 754, 757, 761, 764, 783, 798.)**

On or about May 7, May 8, May 10, May 11, May 14, and May 17, 1928, respectively, the United States attorneys for the Eastern District of Pennsylvania, District of Oregon, Northern District of California, District of Colorado, District of Delaware, and District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States



for said districts libels praying seizure and condemnation of 3,842 $\frac{1}{2}$  dozen bottles of Creomulsion, remaining in the original unbroken packages at Philadelphia, Pa., Portland, Ore., San Francisco, Calif., Denver, Colo., Wilmington, Del., and Baltimore, Md., respectively, a portion of which had been consigned by the Creomulsion Co., in part from Griffin, Ga., and in part from Baltimore, Md., and the remainder of which had been consigned in part by the Taylor Edwards Transfer Co., from Seattle, Wash., and in part by Morgan & Sampson, from San Francisco, Calif. It was alleged in the libels that the article had been transported in interstate commerce into the States of Pennsylvania, Oregon, California, Colorado, Delaware, and Maryland, respectively, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, menthol, a small amount of alkaloidal material, sugar, gum, water, and 1.5 per cent alcohol.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in the carton label, bottle label, and accompanying booklet were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label) "Recommended in the Treatment of Coughs, Colds, Bronchial Asthma, Catarrhal Bronchitis, and more especially for Chronic Coughs and Persistent Colds \* \* \*. With the average case, usually a half-bottle of Creomulsion seems to bring the desired relief, but it is a mistake to leave off the treatment just as soon as you begin to feel better or think the cold or cough is entirely well. Therefore, we recommend that the treatment be continued a week or ten days after you begin to feel well, until the system is restored to its normal, healthy, germ-resisting condition \* \* \*. We recommend that Creomulsion be taken for all coughs and colds, especially those of long standing, and continued in use as long as the cough or cold remains;" (bottle label) "Recommended in the treatment of Coughs, Colds, Bronchial Asthma, and Catarrhal Bronchitis, and Especially for Chronic Coughs and Persistent Colds. \* \* \* Two teaspoonfuls every three hours until relieved, then two teaspoonfuls after each meal. Children \* \* \*. Give every three hours until relieved, then after each meal;" (booklet) "This booklet tells you about Creomulsion, what it is, and why it is so effective in the treatment of coughs, colds, grippe, and flu. In its pages you will find information that is very valuable and which may prove a health-saving inspiration for you, because it tells you about yourself and suggests what to do, and what not to do to keep well. \* \* \* It is generally conceded by men of authority that colds, coughs, grippe, and flu almost always follow on the heels of a run-down condition, and that, if the system is kept in good condition, such diseases would be practically unknown. Therefore, with the system depleted and the vitality lowered to begin with it is but natural that any of these diseases would leave the system as it found it—run-down and depleted. You hear some people say that they are 'taking just one cold after another.' This is due to the fact that, while to all appearances they have cured their first cold, they did not carry the treatment far enough to re-establish a normal, healthy system, and as a consequence, they go right ahead and take more cold. With the average case, usually a half-bottle of Creomulsion seems to bring the desired relief, but it is a mistake to leave off the treatment just as soon as you begin to feel better, or think the cold or cough is entirely well. Therefore, we recommend that the treatment be continued for a week or ten days after you begin to feel well, until the system is restored to its normal, healthy, germ-resisting condition. The creosote in Creomulsion, in addition to being an intestinal antiseptic and having germ inhibiting qualities, has a tendency to increase the appetite and put on body weight, while there are other ingredients, such as Menthol, Oil of Mullein, Fluid Extract Wild Cherry Bark, Ipecac, and Syrup Pine Tar that assist in cleaning out, soothing, and healing the inflamed mucous membranes of the respiratory tract, added to which is a small quantity of Cascara for its laxative properties. Beware the Cough or Cold That Hangs On. Persistent coughs and colds lead to serious trouble. You can stop them now with Creomulsion, an emulsified creosote that is pleasant to take. Creomulsion is a new medical discovery with two-fold action, it soothes and heals the inflamed membranes and inhibits germ growth. Of all known drugs, Creosote is recognized by the medical fraternity as one of the greatest healing agencies for persistent coughs and colds and other forms of throat troubles. Creomulsion contains,

in addition to creosote, other healing elements, which soothe and heal the infected membranes and stop the irritation and inflammation, while the creosote goes on to the stomach, is absorbed into the blood, attacks the seat of the trouble and checks the growth of the germs that lead to more serious troubles. Creomulsion is guaranteed satisfactory in the treatment of persistent coughs and colds, bronchial asthma, bronchitis, and other forms of throat diseases, and is excellent for building up the system after colds or the flu. Money refunded if any cough or cold is not relieved after taking according to directions. \* \* \*

I had a very deep seated cold. Doctors called it chronic bronchitis. I coughed day and night, my whole system was very much run down, and I took cold so easily I thought I was getting pulmonary tuberculosis. I had taken Creomulsion some years ago, so I commenced on Creomulsion again. I can say Creomulsion will do all that you say it will. I gave it to my little daughter six years old last winter when she had a cold we couldn't seem to cure. Also my wife took it when she had a deep cold. We think it is all right for these colds that stick and won't let go. It sure helped me. \* \* \*

Colds That Develop Into Pneumonia and Other Diseases. Pneumonia is a germ disease that frequently develops from neglected colds. Over 150,000 people in this country die each year from pneumonia—as many as die from tuberculosis! Out of every seven who get pneumonia, one person dies. Do not neglect a cold—it is not a simple thing, but a real disease which may lead to chronic catarrh, to ear trouble and deafness, to chronic bronchitis, or may even prepare the way for serious heart trouble. Pneumonia, colds, grippe, flu, and many others are germ diseases. Nearly every person is constantly breathing these germs. They are in practically every person's mouth, throat, and lungs in large numbers. If your system is normal, they are held in check by the resistance of your body, and can make no headway. There are two things that may happen to you that will let the germs gain ground and cause trouble: (1) The number of germs may multiply so rapidly (as in an epidemic, or through your exposure to some person who is sick) that they can overcome your normal resistance. (2) Your system may become so run-down—below par, or so weakened by exposure that it does not fight the germs strongly enough to keep them in check. In either case, by overcoming the normal resistance, the disease germs thrive and multiply and will cause serious trouble unless they are promptly checked. There is nothing better than Creomulsion to relieve such conditions, because it has active medicinal agencies which tend to check the growth of the germs and also help build up the body and strengthen it in its efforts to combat the spread of those much-to-be-dreaded germs. A Three Days' Cough Is Your Danger Signal. \* \* \*

When germs cause an irritation in the Bronchial Tract that starts you coughing, that is a warning that there is trouble ahead. The cough in itself may be of little consequence, but, if neglected, often leads to a serious break-down of the bronchial or pulmonary tract. Therefore, when the cough first develops don't make the mistake of treating it lightly or neglecting it, but immediately begin using Creomulsion. You will generally find that after the first few doses your cough is relieved, the irritation and the inflammation gone. Creosote is undoubtedly one of our greatest medical assets in treating most conditions of the Pulmonary Tracts. Keep a bottle of Creomulsion on hand. A cough may develop any day. Stop it before it gets too far. \* \* \*

I had a bronchial cough and it just seemed to stick. \* \* \*

That bottle I took hit the spot. \* \* \*

I was all in with a chronic cough for about two months. I used everything and when I saw your advertisement in the Pittsburgh Gazette-Times, I sent to Pittsburgh and secured a bottle, and today I am relieved of that great pest. Whenever I see anyone coughing I tell them of this and you need not be afraid to recommend or guarantee Creomulsion. For many years Creosote has been one of the Principal drugs upon which the medical profession has relied for relief in the treatment of diseases of the Bronchial, Pulmonary, and Respiratory Tracts. The Creomulsion Company has so compounded Creosote with other ingredients that it could be offered the general public for the home treatment of persistent colds and chronic coughs, grippe, and flu. Therefore Creosote is the basis for this wonderful preparation. \* \* \*

but we do not rely solely upon Beechwood Creosote for the efficacy of Creomulsion. There is Fluid Extract of Wild Cherry, Syrup of White Pine with Tar, Menthol, Ipecac, Cascara, and Fluid Extract of Licorice Root, the combined effect of which is to dislodge and loosen up the phlegm, produce a cooling, soothing, and healing effect on the inflamed Mucous Membranes and act as a gentle laxative. \* \* \*

Creomulsion has proven over a period of



many years and in thousands of cases to be a most effective prescription for relieving coughs, colds, grippe, flu, and other disturbances of the Bronchial, Pulmonary, and Respiratory Tract. \* \* \* Our little daughter, nine years of age, had a severe bronchial cough which always seemed to come with a cold, but we could find nothing that would stop it, and she would cough long after the cold was gone and forgotten about. We noticed your ad and ordered one bottle and it helped her right away. Then we all used it for colds and coughs. \* \* \* Mrs. R. T. Smith, of Graymont, Ga., was in bad shape, suffering with catarrhal bronchitis and a severe cough. Mr. Smith procured a bottle of Creomulsion, and after his wife finished taking it he writes: 'We have tried a good many remedies, and this seems to have done her more good than anything else. It acted as a Balm of Gilead in her case.' \* \* \* I took the 'flu' and it left me with a cough and it seemed that my lungs would swell during damp weather and late in the evening, and I just grew worse until I took my bed and the doctor told me I had taken a cold in my chest. I would cough all night long and I read of Creomulsion and ordered a bottle and took one bottle and was up all day and when I had taken three bottles I was doing my work. \* \* \* I have taken six bottles now and I feel as strong in my chest as I ever did and my weight is more than it ever was and my appetite is good. \* \* \* I had a cough that had been hanging on but your Creomulsion stopped it at once. \* \* \* I want to tell you how your medicine relieved me of a very serious illness. A friend of mine gave me your advertisement and I bought a bottle of Creomulsion which helped me. I then kept on taking the medicine and have gained twenty-two pounds. Would gladly recommend Creomulsion to anyone who suffers with such ailments. \* \* \* and you will better understand why we use and recommend it in the treatment of persistent coughs and colds and other troubles arising from the respiratory tract. \* \* \* The most important use of Creosote is as a pulmonary antiseptic, administered by the mouth, hypodermically, or by inhalation. In tuberculosis, in which it often markedly improves the appetite and digestion and diminishes the fever and night sweating, it can be administered in the form of an emulsion with cod liver oil, or with syrup of wild cherry or in a mixture of glycerine and whiskey. \* \* \* Another explanation of the creosote action is that it acts as an intestinal antiseptic and prevents the secondary infection of the bowels. \* \* \* During the last few years creosote has been largely prescribed in pulmonary tuberculosis and chronic bronchitis, and some of its results reached by its use have undoubtedly been of value in these affections. \* \* \* Many authors have recently reported the excellent results obtained by the use of creosote in diseases other than pulmonary tuberculosis. \* \* \* Casiti recommends the use of creosote internally in large doses in acute pulmonary conditions, bronchopneumonia and fibrinous pneumonia, both in adults and children. Is Creomulsion Recommended For Diseases Other Than Coughs and Colds? Yes. The very nature of the preparation makes it valuable in the treatment of Bronchial Asthma, Catarrhal Bronchitis, Whooping Cough, Spasmodic Croup, Diarrhoea (more particularly fermenting diarrhoea), but especially for gaseous indigestion where there is an accumulation of gas on the stomach, producing digestive pains, pressure around the heart, etc. Creosote is a recognized intestinal antiseptic, helping to dispel the gases, thus permitting digestion to function normally. \* \* \* Creosote is sometimes of service as an internal antiseptic in chronic gastric catarrh with flatulence (gas) and in simple dyspeptic diarrhoea. Any one suffering with these troubles will find ready relief through the use of Creomulsion, while as an after-tonic following colds, grippe, and flu, it has been used with most satisfactory results in assisting the patient to regain lost weight and recover a normal appetite. \* \* \* I take cold very easily and after trying Creomulsion I am convinced that it is the best medicine I have tried as a cold preventive. I am keeping it on hand now to be taken whenever I feel a cold coming on. It surely has done me lots of good. \* \* \* Tuberculosis \* \* \* My little boy had whooping cough which left him with a very bad cough. His cough seemed to leave him after a few doses of Creomulsion. \* \* \* I think it is a sure cure for any cough. \* \* \* I have been taking your treatment all this year, and I must give Creomulsion the credit of bringing me this far. It is a wonderful medicine. I had pneumonia twenty-four years ago in my left side, and I had a pain in my left side just below my heart. I sometimes have a pain below my left shoulder, and I get hoarse when I get too hot. I was hoarse when I started taking Creomulsion and it has made me a man again. \* \* \* How to Keep from Taking Cold. According to the United States Public Health Service,

each of us average 3.7 colds each year, whereas, if we took the proper care of ourselves, we would not have any colds at all. The general impression among the laity is that bad weather, wet feet, and drafts are responsible for all our bad colds. Later-day science, however, tells us that colds are caused by a germ and that they are highly contagious, and when one is exposed to a cold, he is more apt to contract it in this way than from bad weather. We also know that a lack of fresh air, insufficient exercise, too little sleep or rest, over-eating of rich foods and an acid system are also indirect causes of colds, because all of these things tend to break down germ resistance, and allow these pests to germinate, propagate, and infect the tender mucous membranes of the bronchial, pulmonary, and respiratory tracts, causing irritation and inflammation of these delicate membranes in the nose, throat, chest, or gastro-intestinal tract. Now then, if you would be free of colds and like diseases, take care to sleep with plenty of fresh air in the room. If you work in an office, see that it is properly ventilated. Guard against sudden changes in temperature. Never sit or stand in a draft. Keep the body comfortably clothed. Do not keep on damp clothing, but change your shoes and stockings if your feet happen to get wet—best not to let them get wet. Get plenty of sunshine. Give the body ample exercise. Let your diet consist of simple, wholesome, nourishing foods. Keep the system alkaline. Stay free from large crowds, especially if there is sneezing going on. If in spite of this you take cold, start Creomulsion immediately and get rid of it. Chicago, Ill.—We have used four bottles of Creomulsion up to the present time, and it has done wonders for my husband. He \* \* \* has frequent colds and bronchial trouble. \* \* \* I had a light attack of pneumonia which left me with the worst cough. \* \* \* After taking it three days I was as well as ever. Last winter I came down with a severe cold on my lungs so I sent for another bottle of Creomulsion and it cured me up and I never had another cold all winter. I think it is the most wonderful medicine for long standing colds. \* \* \* Creomulsion relieved my boy's cough instantly after the other cough medicines did not help him. I also use it myself when I find I am catching a fresh cold, \* \* \* having doctored for over two years with no results. \* \* \* I had a tickling cough and an awful rattling in my chest but after taking several bottles of your medicine I was relieved. \* \* \* Three years ago I took an attack of asthma and I noticed your advertisement and ordered a bottle of Creomulsion. It relieved me and I haven't had a bad attack since. I have taken three bottles of Creomulsion and when I feel an attack coming on I take Creomulsion and get relief. \* \* \* I ordered some Creomulsion some time ago for my twelve-year old boy. He had a cough caused by the flu and I could not get anything to help his cough, until I noticed a Creomulsion advertisement. I certainly can say it did his cough good. \* \* \* You are always ready to assist your neighbor. When he is in distress you are glad to aid him. If any of your friends or neighbors should suffer from colds or coughs, or any other ailments that Creomulsion will help, it would be doing them a kindness to tell them about Creomulsion, and may prevent a long or serious illness. It is a neighborly act and kindly thing to do. Be careful of your own health, your family's health and the health of your neighbors. \* \* \* No one knows when a little mishap is going to occur, or when the system is going to let down its resistance so that the cold, grippe, or flu germs can take hold, and the worst of it is, that unless these things are taken care of at the very beginning, they are apt to result in serious trouble. Keep a bottle of Creomulsion on hand always—this is one of the most necessary medicines in all your medicine chest. \* \* \* I recommended it to several of my neighbors who said it helped their coughs. \* \* \* When I started to take your valuable medicine, I had a very stubborn cough and my lungs were quite sore from continual coughing. The first bottle of Creomulsion did me so much good that I ordered two more. Have gained about eight pounds and haven't lost a day from work. \* \* \* I have used Creomulsion two winters for a stubborn case of bronchitis and continued colds, and wish I could find words sufficient to tell what it has done for my child. There was no rest at night, but after taking four or five doses the child could sleep all night. \* \* \* I took it for a bad bronchial trouble and can recommend it to all suffering from bronchial or lung difficulties, colds, coughs, and catarrh. \* \* \* Two years ago my little boy had pneumonia which went into double pneumonia, and, though he pulled through, it left him with a terrible cough. Recently I started giving him Creomulsion, and he showed wonderful improvement immediately. He is now quite well as a result of the Creomulsion treatment. \* \* \* Thus the purchaser of a



packaged medicine is protected twice by the Federal Food and Drugs Act—once against impure or substandard ingredients, and secondly against unwarranted claims for their therapeutic effectiveness. \* \* \* Have used Creomulsion and find it relieves my bronchial troubles best of anything I ever tried. I find it especially helped during the Hay-fever period in August and September. \* \* \* Creomulsion has helped wonderfully—not only me but members of my family \* \* \* shall have a bottle on hand as a first aid treatment for a persistent and nerve racking cough. \* \* \* I had a cold and cough. The bottle of Creomulsion I bought fixed me up all right and I haven't had a cold since. \* \* \* Utah.—I have found Creomulsion to be very good for coughs and colds and can recommend it highly. \* \* \* Creomulsion is the best medicine I ever took. I had a bad cough all winter. The doctor said it was bronchitis. \* \* \* He says it is the best cough medicine he ever saw. \* \* \* I want to thank you for Creomulsion. It is the best cough medicine my husband and I have ever used. \* \* \* Both my little son and I were troubled with a stubborn cough last winter and spring. \* \* \* Then we tried Creomulsion and it not only gave us relief but stopped the cough entirely and we felt like ourselves again. \* \* \* My uncle, who is well up in years, a few weeks ago was in bed with a severe cough. We did not see how he could possibly escape pneumonia. He had no rest day or night from the severe coughing spells. After a few days' trial of Creomulsion he was slowly improving and in ten days he was around tending to his daily chores. Now his cough has greatly improved and he also has a wonderful appetite. \* \* \* I had a cold that had been hanging on for almost four years, off and on. Have used almost one bottle of Creomulsion, and it has helped me considerably. \* \* \* I had an awful cough \* \* \*. It is the greatest cough syrup I ever took. \* \* \* My brother had a bad cough and coughed all the time but when he took Creomulsion it stopped his cough right away. My father says it is the best medicine he ever took for indigestion. I give Creomulsion credit for pulling me through a severe case of flu I had recently. \* \* \* I have been a sufferer for years with spasmodic asthma accompanied with a bad cough. I have taken doses of Creomulsion every 3 hours for several days and it has relieved me entirely of all bronchial trouble. \* \* \* About eighteen months ago I had the flu and began taking a terrible cough and after a few days' treatment of Creomulsion my cough was relieved \* \* \* at the beginning of colds and coughs I begin this remedy. \* \* \* I want to let you know that Creomulsion meant new life to me. I was in bed nearly three months with an awful cough. Ran a high fever and could not talk above a whisper. My husband finally bought some Creomulsion for me which gave me immediate relief. I gained eight pounds in eleven days, and do not cough at all now. \* \* \* How to Prevent Pneumonia See page 3;” (blown in bottle) “Coughs and Colds;” (shipping cases) “Creomulsion for Chronic Coughs and Persistent Colds.”

On June 1, June 5, June 18, and June 20, 1928, respectively, the Creomulsion Co., Inc., Atlanta, Ga., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds, totaling \$31,800, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15986. Adulteration of apple chops. U. S. v. 586 Sacks of Apple Chops. Consent decree of condemnation. Product released under bond.**  
(F. & D. No. 21973. I. S. No. 16660-x. S. No. 7.)

On July 11, 1927, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 586 sacks of apple chops at Pittsburgh, Pa., alleging that the article had been shipped by Evaporated Fruits, Inc., from Seattle, Wash., on or about November 13, 1926, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, arsenic, which might have rendered it injurious to health.

On February 29, 1928, the Evaporated Fruits, Inc., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned, upon the execution of a bond in the sum of \$5,000, conditioned in part that the product be reconditioned, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15987. Adulteration of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22880. I. S. No. 21785-x. S. No. 904.)**

On June 26, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 4, 1928, alleging that the article had been shipped by the Sugar Creek Creamery Co., Danville, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On September 10, 1928, the Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$100 in lieu of bond, conditioned that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15988. Adulteration of butter. U. S. v. 21 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22912. I. S. No. 20998-x. S. No. 949.)**

On July 6, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 14, 1928, alleging that the article had been shipped by the Mandan Creamery & Produce Co., Mandan, N. Dak., and transported from the State of North Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 24, 1928, the Mandan Creamery and Produce Co., Mandan, N. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned in part that it be reworked, under the supervision of this department, so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15989. Adulteration of canned sardines. U. S. v. 29 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction (F. & D. No. 23041. I. S. No. 02499. S. No. 1125.)**

On August 31, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 cases of sardines at New York, N. Y., alleging that the article had been shipped by A. H. Mayo, from Brooklyn, Me., on or about August 13, 1928, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Concordia Brand Sardines. Weight 3¼ Ounces."



It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15990. Adulteration of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 22977. I. S. No. 26385-x. S. No. 974.)

On July 5, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Williston Creamery & Produce Co., from Williston, N. Dak., June 20, 1928, and had been transported from the State of North Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that the article contained less than 80 per cent of butterfat.

On August 8, 1928, John V. McCarthy & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15991. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 22895. I. S. No. 26776-x. S. No. 963.)

On June 25, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Keosauqua Cooperative Co., from Keosauqua, Iowa, June 18, 1928, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted from the said article, and in that it contained less than 80 per cent of butterfat.

On August 2, 1928, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15992. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 23074. I. S. No. 26384-x. S. No. 1050.)

On July 5, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by West's Plentywood Creamery Co., Inc., from Plentywood, Mont., June 19, 1928, and had been transported from the State of Montana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butter fat.

On August 2, 1928, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15993. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22981. I. S. No. 0851. S. No. 975.)**

On or about July 12, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at New Orleans, alleging that the article had been shipped by the Yalobusha Cooperative Creamery Co., Water Valley, Miss., on or about July 3, 1928, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Lexington Creamery Butter Manufactured by Lexington Co-Operative Creamery, Lexington, Mississippi. One Pound Net."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1928, the Ackerman Creamery Co., Ackerman, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reconditioned in compliance with the law, and should not be sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15994. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23131. I. S. No. 0831. S. No. 1170.)**

On or about August 27, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of butter at New Orleans, La., alleging that the article had been shipped by the Beatrice Creamery Co., Topeka, Kans., on or about August 14, 1928, and transported from the State of Kansas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pasteurized Meadow Gold \* \* \* Contents 1 Lb. Net Butter \* \* \* Beatrice Creamery Company, General Office, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement, "Contents One Pound Net Butter," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and



the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On September 8, 1928, the Beatrice Creamery Co., Topeka, Kans., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, to be repacked and relabeled, upon payment of costs and the execution of a good and sufficient bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15995. Misbranding of butter. U. S. v. 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23133. I. S. No. 0830. S. No. 1169.)**

On August 24, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sunlight Produce Co., Memphis, Tenn., on or about August 17, 1928, and had been transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monogram Creamery Butter Quarters 1 Lb. Net Weight."

It was alleged in the libel that the article was short weight and was misbranded in that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 7, 1928, the Sunlight Produce Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked and should not sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15996. Misbranding of butter. U. S. v. 45 Cases of Butter. Decree of condemnation and forfeiture. (F. & D. No. 23127. I. S. No. 0841. S. No. 1197.)**

On or about September 11, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Brenham Creamery Co., Brenham, Tex., on or about August 6, 1928, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Cloverdale Brand Fancy Creamery Butter One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On September 17, 1928, Gerde, Newman & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be repacked in tubs, and should not be sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15997. Misbranding of butter. U. S. v. 300 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23128. I. S. Nos. 0834, 0835, 0836. S. No. 1180.)**

On or about September 4, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying

seizure and condemnation of 300 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Laurel Creameries Co., Laurel, Miss., in various consignments, on or about July 10, July 24, and August 9, 1928, respectively, and had been transported from the State of Mississippi into the State of New Orleans, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton) "Pride of Mississippi Fancy Creamery Butter Manufactured by Laurel Ice & Packing Co., Laurel, Miss. Net Weight One Pound When Packed." The remainder of the said article was labeled in part: (Cases) "30 1 Lb. Cartons Creamery Butter."

It was alleged in the libel that the article was misbranded in that the statement, "Net Weight One Pound When Packed," with respect to a portion of the article, and the statement, "30 1 Lb. Cartons," with respect to the remainder thereof, borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 25, 1928, the Laurel Creameries, Laurel, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be reworked and reconditioned and should not be sold or disposed of without having been first inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15998. Adulteration and misbranding of garbage product. U. S. v. 250 Sacks of Garbage Product. Product ordered released under bond. (F. & D. No. 17296. I. S. No. 5176-v. S. No. C-3911.)**

On February 17, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 250 sacks of garbage product at Kansas City, Mo., alleging that the article had been shipped by the Pan American Feed Milling Co., West Toledo, Ohio, on or about December 30, 1922, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Garbage Product PAF \* \* \* Guaranteed Analysis: Protein not less than 18%, Fat not less than 12%, Fibre not more than 07%. Pan American Feed Milling Co. Manufacturers and Distributors, West Toledo, Ohio."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein, high in fiber, and containing glass, an added poisonous and deleterious ingredient, had been substituted wholly or in part for an article containing 18 per cent of protein.

Misbranding was alleged for the reason that the statement on the label, "Protein not less than 18%, Fat not less than 12%, Fibre not more than 07%," was false and misleading and deceived and misled the purchaser.

On December 6, 1923, the Pan American Feed Milling Co., West Toledo, Ohio, having appeared as claimant for the property, and having executed a bond in the sum of \$1,000, conditioned that it be disposed of in conformity with the provisions of the Federal food and drugs act, judgment was entered ordering that the product be released to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15999. Adulteration and misbranding of butter. U. S. v. 137 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23132. I. S. No. 0837. S. No. 1171.)**

On or about August 31, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 137 cases of butter at New Orleans, La., alleging that the article had been shipped by the Yalobusha Cooperative Creamery Co., Water Valley, Miss., on or about August 23, 1928, and transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cartons) "Clover Leaf Brand Creamery Butter Distributors One Pound Net."



It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1928, the Yalobusha Cooperative Creamery Co., Water Valley, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,900, conditioned in part that it be reworked in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16000. Adulteration and misbranding of butter. U. S. v. 1,000 Pounds, et al., of Butter. Consent decree of condemnation entered. Product released upon bond. (F. & D. No. 23130. I. S. Nos. 01601, 01602, 01603. S. No. 1198.)**

On or about September 8, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 12, 1928, an amended libel, praying seizure and condemnation of 1,000 pounds 8-ounce prints and 100 pounds 1-pound prints of butter at Dayton, Ohio, consigned by the Liberty Creamery Co., Liberty, Ind., September 6, 1928, alleging that the article had been shipped in interstate commerce from Liberty, Ind., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: (8-ounce prints) "8 Oz. Net Weight. This butter is made from pure cream," (portion of 1-pound prints) "1 Lb. Net Weight \* \* \* This butter is made from pure cream \* \* \*," (portion of 1-pound prints) "Fancy Creamery Butter, Gilt Edge \* \* \* One Pound."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for a product which must contain 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter," borne on the label, was false and misleading in that it represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist, but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, "Butter," borne on the label, was false and misleading in that it represented that the said article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged for the further reason that the wrappers enclosing the article bore statements regarding the weight of the individual prints which were false, since the said prints were short weight.

On September 17, 1928, the Liberty Creamery Co., Liberty, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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<sup>1</sup> Contains a decision of the court.



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<sup>1</sup> Contains a decision of the court.



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<sup>1</sup> Contains instructions to the jury.<sup>2</sup> Contains a decision of the court.

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